

	Bar #	Name				
Judicial Off....:	002014	TOM WOODFORD				
Alt Jud Officer:	002015	CHARLES T HOPPIN				
	Description	Stat	Date	Time	Appea	
Trial.....:	Jury Trial	VACT	6/09/2000	8:30 A		
Next Schd Event:				0:00		
Last Schd Event:	Sentencing Hearing	HELD	6/23/2000	1:30 P		
Last Event.....:	Order	n/a	2/06/2002			

Sentence Date.....: SCRT 6/23/2000 +
Detention Location.....:
Supervising Agency.....:
Probation Officer.....:

CNT	STS	STATUTE NUMBER	CHARGE DESCRIPTION	CLASS
1	()	18-12-108.7	PROVIDE/PERMIT JUV TO POSS HANDGUN	F4
Offense Date: From: 1/23/1999 To: 3/01/1999 Time:				BAC: .000

CNT	STS	STATUTE NUMBER	CHARGE DESCRIPTION	CLASS
		Arrest Date.....:	Time:	Ticket #:
		Plea.....:	Plea of Guilty	Date: 5/08/2000
		Disposition.....:	Guilty	Date: 5/08/2000
SNT DATE	SENTENCE DESCRIPTION		STATUS	
6/23/2000	Sentence by Court		Active	
		Judicial Officer.....:	TOM WOODFORD	
		Department of Corrections..:	4.00 YEAR(S)	
		Department of Corrections..:	6.00 MONTH(S)	
SNT DATE	SENTENCE DESCRIPTION		STATUS	
	Victim Compensation Fund...:		\$125.00	
	Victims Assistance Fund...:		\$125.00	
	Court Costs.....:		\$30.00	
	Request for Time to Pay....:		\$25.00	
NO CREDIT FOR TIME (NON SERVED).				/AKN
2	()	18-12-102(3)	POSSESS DANGEROUS WEAPON	F5
		Offense Date: From:	1/23/1999 To: 3/01/1999	Time: BAC: .000
		Arrest Date.....:	Time:	Ticket #:
		Plea.....:	Plea of Guilty	Date: 5/08/2000
		Disposition.....:	Guilty	Date: 5/08/2000
SNT DATE	SENTENCE DESCRIPTION		STATUS	
6/23/2000	Sentence by Court		Active	
		Judicial Officer.....:	TOM WOODFORD	
		Department of Corrections..:	2.00 YEAR(S)	
		Department of Corrections..:	6.00 MONTH(S)	
SNT DATE	SENTENCE DESCRIPTION		STATUS	
	Concurrent with count 1		Case Number: 1999CR001580 Jefferson County	
3	(A)	18-6-701(1) and (2)	CONTRIB DELINQUENCY OF MINOR	F4
		Offense Date: From:	1/23/1999 To: 3/01/1999	Time: BAC: .000
		Arrest Date.....:	Time:	Ticket #:
3	(D)	18-6-701	CONTRIB DELINQUENCY OF MINOR	F4
		Offense Date: From:	1/23/1999 To: 3/01/1999	Time: BAC: .000
		Arrest Date.....:	Time:	Ticket #:
		Disposition.....:	Dism by DA	Date: 5/08/2000
FILE DATE	EVENT DESCRIPTION			
6/15/1999	Affidavit for Arrest Warrant		Event ID: 000001	E-Filed:
6/15/1999	Warrant Upon Affidavit		Event ID: 000002	E-Filed:
		DEF/ DURAN, PHILIP JOSEPH		
		Related Event WCAN Warrant Cancelled	6/18/1999	
6/18/1999	Warrant Cancelled		Event ID: 000003	E-Filed:
		Related Event WAFF Warrant Upon Affidavit	6/15/1999	
FILE DATE	SCHEDULED EVENT DESCRIPTION		SCHD DATE	TIME ROOM APPEAR
6/18/1999	Appearance on Bond		6/18/1999	10:00 AM 1B
		Officer: CHARLES T HOPPIN	Length: 1.00 Hour(s)	
		Status.: HELD-Hearing Held		
6/18/1999	Disposition Hearing		8/31/1999	01:30 PM 3A
		Officer: CHARLES T HOPPIN	Length: 1.00 Hour(s)	
		Status.: HELD-Hearing Held		
8/11/1999	Motion		Event ID: 000004	E-Filed:
FOR MODIFICATION OR REDUCTION OF BOND BY DEF ATTY DEPETRO				/KHL
MTN TO BE ADDRESSED DAY OF DISPO HRG				/KHL
8/31/1999	Bindover to Dist Ct w/o prelim		Event ID: 000005	E-Filed:
8/31/1999	Arraignment		11/22/1999	08:00 AM 5F
		Officer: HENRY ELWOOD NIETO	Length: 1.00 Hour(s)	

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
Status.: CONT-Continued by Parties		Note..: BOND			
9/07/1999	Notice Filed	Event ID: 000006		E-Filed:	
ATY/ DE PETRO, J MATTHEW					
NOTICE OF CHANGE OF ADDRESS		/DLC			
9/20/1999	Minute Order (No Print)	Event ID: 000007		E-Filed:	
REC'D TRANSCRIPT REQUEST FROM DEF ATTY AMRISTEAD & ASSOC. FOR ALL CT APPEARANC		/KHL			
ES. TAPE TO ADMIN 09-23-99.					
11/17/1999	Request Filed	Event ID: 000009		E-Filed:	
FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT BY COLORADO BROADCASTERS ASSN		/MFB			
11/22/1999	Minute Order (print)	Event ID: 000008		E-Filed:	
ARRAIGNMENT NIETO/ACKERMAN/FISHER					
DEFENDANT APP WITH ATTY DEPETRO; DDA GEORGE BRAUCHLER. MOTION TO CONTINUE					
ARRAIGNMENT IS GRANTED AND MATTER IS CONTINUED TO 1-20-99 AT 8:00 A.M.					
BOND CONTINUED.		/BJA			
11/22/1999	Arraignment	1/20/2000	08:00 AM	4B	
Officer: CHARLES A BUSS		Length: 1.00 Hour(s)			
Status.: HELD-Hearing Held					
1/06/2000	Request Filed	Event ID: 000010		E-Filed:	
REQUEST FOR EXPANDED COVERAGE OF ARRAIGNMENT -- FAXED 010500 FROM JAN HAMMER		/PAK			
COLORADO BROADCASTERS ASSOCIATION					
1/06/2000	Request Filed	Event ID: 000012		E-Filed:	
FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT					
*** 1/18/00 *** APPROVED AND ORDERED -- LTW					
DOCKETED 1/25/00		/GJN			
1/20/2000	Minute Order (print)	Event ID: 000011		E-Filed:	
ARRAIGNMENT LTW/AKN/GAYLE BECKER					
DDA STEVE JENSEN PRESENT. DEFENDANT APPEARS (ON BOND) AND WITH COUNSEL					
DE PETRO, JR. MATTER COMES ON FOR ARRAIGNMENT. DEFENDANT ENTERS PLEA OF NOT					
GUILTY TO ALL COUNTS. RULE 5 AND 11 ADVISEMENT. COURT ACCEPTS PLEAS. MATTER IS					
SET FOR MARCH 3, 2000 @ 8:30 AM. FOR MOTIONS HEARING. ALSO, MAY 8, 2000 @ 8:30					
AM FOR HEARING ON TRIAL MOTIONS. AND TRIAL TO A JURY IS SET FOR 4 DAYS, TO					
COMMENCE ON JUNE 6, 2000 @ 8:30 AM. BOND IS CONTINUED.		/AKN			
1/20/2000	Letter	Event ID: 000013		E-Filed:	
FROM ROCKY MOUNTAIN NEWS REQUESTING AUTHORIZATION TO PUT STILL CAMERA IN					
COURT ROOM DURING ARRAIGNMENT					
DOCKETED 1/26/00		/GJN			
1/20/2000	Order	Event ID: 000014		E-Filed:	
COURT'S SCHEDULING ORDER -- LTW					
DOCKETED 1/26/00		/GJN			
1/21/2000	Motions Hearing	3/03/2000	08:30 AM	4B	
Officer: TOM WOODFORD		Length: 1.00 Hour(s)			
Status.: HELD-Hearing Held		Note..: CNJ VENUE			
1/21/2000	Motions Hearing	5/08/2000	08:30 AM	4B	
Officer: TOM WOODFORD		Length: 2.00 Hour(s)			
Status.: HELD-Hearing Held		Note..: TRLMOTIONS			
1/21/2000	Jury Trial	6/06/2000	08:30 AM	4B	
Officer: TOM WOODFORD		Length: 1.00 Day(s)			
Status.: VACT-Vacated		Note..: 1 OF 4 DAY			
1/21/2000	Jury Trial	6/07/2000	08:30 AM	4B	
Officer: TOM WOODFORD		Length: 1.00 Day(s)			
Status.: VACT-Vacated		Note..: 2 OF 4 DAY			
1/21/2000	Jury Trial	6/08/2000	08:30 AM	4B	
Officer: TOM WOODFORD		Length: 1.00 Day(s)			
Status.: VACT-Vacated		Note..: 3 OF 4 DAY			

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
1/21/2000	Jury Trial	6/09/2000	08:30 AM	4B	
	Officer: TOM WOODFORD		Length: 1.00 Day(s)		
	Status.: VACT-Vacated		Note.: 4 OF 4 DAY		
1/25/2000	Motion and Order	Event ID: 000016		E-Filed: N	
UNSIGNED ORDER TO ADD THIRD COUNT					
DOCKETED 2-22-00					/JSP
1/27/2000	Motion	Event ID: 000015		E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE					
DOCKETED 1/28/00					/GJN
2/02/2000	Response	Event ID: 000017		E-Filed: N	
TO DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE					
DOCKETED 2-2-00					/JSP
3/03/2000	Minute Order (print)	Event ID: 000018		E-Filed: N	
MOTION TO CHANGE VENUE LTW/AKN/LESLEY FUJARCYK					
DDA STEVE JENSEN PRESENT. DEFENDANT APPEARS (ON BOND) AND WITH COUNSEL					
J. MATTHEW DEPETRO. COURT GRANTS THE MOTION TO ADD COUNT 3. PEOPLE'S EVIDENCE					
RE: MOTION TO CHANGE VENUE. MARCUS MATA, ATF; KATE BATTAN IS SWORN AND					
TESTIFIES. ARGUMENTS. COURT FINDS THAT VENUE IS PROPER FOR JEFFERSON COUNTY.					
MOTION TO SEVER COUNT 2 TO DOUGLAS COUNTY IS HEREBY DENIED. COURT GRANTS ORAL					
MOTION TO EXTEND MOTIONS DEADLINE TO MARCH 31, 2000. ORAL REQUESTS WITH					
REGARD TO POTENTIAL JURY SELECTION AND PUBLICITY. MATTER IS CONTINUED TO					
MAY 8, 2000 @ 8:30 AM. FOR HEARING ON MOTIONS. BOND IS ORDERED CONTINUED. /AKN					
3/03/2000	Response	Event ID: 000019		E-Filed: N	
RESPONSE TO DEFENDANTS MOTION TO CHANGE VENUE AND SEVER CHARGE DOCKETED					
ON 3-8-00					/GLM
3/03/2000	Motion and Order	Event ID: 000020		E-Filed: N	
TO ADD THIRD COUNT ---HEN DOCKETED ON 3-8-00					
3/09/2000	Request Filed	Event ID: 000024		E-Filed: N	
	ATY/ JENSEN, STEVEN LAWRENCE				
REQUEST FOR THE TAKING OF JUDICIAL NOTICE DOCKETED ON 3-24-00 /GLM					
3/16/2000	Petition	Event ID: 000021		E-Filed: N	
AND ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM -- LTW					
FROM DOC - 6-6-00 AT 8:30 AM					
WRIT ISSUED FOR MARK EDWARD MANES					
DOCKETED 3-16-00					/JSP
3/16/2000	Filing Other	Event ID: 000023		E-Filed: N	
	ATY/ JENSEN, STEVEN LAWRENCE				
AMENDED ENDORSEMENT OF WITNESSES DOCKETED ON 3-21-00 /GLM					
3/20/2000	Notice Filed	Event ID: 000026		E-Filed: N	
	ATY/ JENSEN, STEVEN LAWRENCE				
OF ENDORSEMENT OF WITNESS (ES)					
DOCKETED 3/28/00					/GJN
3/21/2000	Objection	Event ID: 000022		E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
DEFENDANT'S OBJECTION TO REQUEST FOR TAKING OF JUDICIAL NOTICE					
DOCKETED 3/21/00					/GJN
3/21/2000	Notice Filed	Event ID: 000027		E-Filed: N	
	ATY/ JENSEN, STEVEN LAWRENCE				
	ATY/ DE PETRO, J MATTHEW				
OF ENDORSEMENT OF WITNESS (ES)					
DOCKETED 3/28/00					/GJN
3/22/2000	Objection	Event ID: 000028		E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
DEFENDANT'S OBJECTION TO REQUEST FOR TAKING OF JUDICIAL NOTICE					
DOCKETED 3/28/00					/GJN
3/27/2000	Motion	Event ID: 000025		E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
	ATY/ JENSEN, STEVEN LAWRENCE				
	DEF/ DURAN, PHILIP JOSEPH				
DEFENDANTS MOTION FOR MODIFICATION OF BOND CONDITION DOCKETED ON 3-27-00 /GLM					
3/30/2000	Order	Event ID: 000029		E-Filed: N	
RE: DEFENDANT'S MOTION FOR MODIFICATION OF BOND CONDITION					
DOCKETED 4/5/00					/GJN
3/30/2000	Motion	Event ID: 000030		E-Filed: N	
	ATY/ BRAUCHLER, GEORGE HERBERT				
PEOPLE'S MOTION TO ADMIT "DYING DECLARATION" STATEMENTS UNDER C.R.S. 13-25-119					
OR IN THE ALTERNATIVE, TO ADMIT THE HEARSAY STATEMENTS UNDER C.R.E.807					
DOCKETED 4/14/00					/GJN
5/05/2000	Letter	Event ID: 000034		E-Filed: N	
TO THE COURT FROM DENVER POST REQUESTING EXPANDED MEDIA COVERAGE					
DOCKETED 5/8/00					/GJN
5/05/2000	Order	Event ID: 000035		E-Filed: N	
GRANTING DENVER POSTS REQUEST FOR EXPANDED MEDIA COVERAGE -- LTW					
DOCKETED 5/8/00					/GJN
5/08/2000	PSI Ordered	Event ID: 000031		E-Filed: N	
5/08/2000	Comm Cor Screen Request	Event ID: 000032		E-Filed: N	
5/08/2000	Minute Order (print)	Event ID: 000033		E-Filed: N	
HEARING ON MOTIONS LTW/AKN/RUTH ANDERSON					
DISTRICT ATTORNEYS STEVE JENSEN AND GEORGE BRAUCHLER PRESENT. DEFENDANT APPEAR					
(ON BOND) AND WITH COUNSEL MATTHEW DEPETRO. DEFENDANT IS ADVISED. DEFENDANT					
ENTERS PLEAS OF GUILTY TO COUNT 1, PROVIDING OR PERMITTING A JUVENILE TO					
POSSESS A HANDGUN, F-4 AND COUNT 2, POSSESSING A DANGEROUS WEAPON, F-5. COURT					
ACCEPTS PLEAS ON COUNT 1 AND COUNT 2. COUNT 3 IS DISMISSED. COURT ORDERS PSI					
AND COMMUNITY RESPONSIBILITY CENTER REFERRAL. MATTER IS CONTINUED TO JUNE 23,					
2000 @ 1:30 PM. FOR SENTENCING (ONE-HALF DAY). COURT OBTAINS CONSENT OF SURETY					
BOND IS ORDERED CONTINUED. COURT VACATES JURY TRIAL SET FOR JUNE 6, 2000 @					
8:30 AM. FOR 4 DAYS. DEFT TO REPORT TO PROBATION DEPARTMENT. RECESS. /AKN					
5/08/2000	Motion and Order	Event ID: 000036		E-Filed: N	
TO DISMISS COUNT THREE -- LTW					
DOCKETED 5/8/00					/GJN
5/08/2000	Petition	Event ID: 000037		E-Filed: N	
	DEF/ DURAN, PHILIP JOSEPH				
TO ENTER PLEA OF GUILTY					
DOCKETED 5/8/00					/GJN
5/08/2000	Order	Event ID: 000038		E-Filed: N	
FOR PRESENTENCE INVESTIGATION REPORT --- LTW					
DOCKETED 5/8/00					/GJN
5/08/2000	Consent	Event ID: 000039		E-Filed: N	
	IMP/SUR DURAN, RUEBEN				
OF SURETY					
DOCKETED 5/8/00					/GJN
5/08/2000	Sentencing Hearing	6/23/2000	01:30 PM	1A	
	Officer: TOM WOODFORD		Length:	3.00 Hour(s)	
	Status.: HELD-Hearing Held		Note.:	B/PSI CCOR	
5/15/2000	Letter	Event ID: 000040		E-Filed: N	
TO THE COURT FROM NATHAN SONELL RE: SENTENCING					
DOCKETED 5/18/00					/GJN

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
5/15/2000	Request Filed	Event ID: 000048		E-Filed: N	
FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT					
DOCKETED 6/27/00					/GJN
5/25/2000	Order	Event ID: 000043		E-Filed: N	
AUTHORIZING EXPANED MEDIA COVERAGE ARRAIGNMENT - GRANTED TO CBA.					
APPROVED AND ORDERED ****LTW 5/25/00****					
DOCKETED 6/15/00					/MMA
6/01/2000	Letter	Event ID: 000042		E-Filed: N	
TO COURT BERNADETT HENSEN.					
6/15/2000	Letter	Event ID: 000041		E-Filed: N	/AKN
TO COURT FROM IRENE TANNER. CC: TO COUNSEL.					
6/19/2000	Letter	Event ID: 000049		E-Filed: N	/AKN
FROM LORI ALLEN					
DOCKETED 6/27/00					/GJN
6/20/2000	Letter	Event ID: 000050		E-Filed: N	
FROM FLEMING FAMILY					
DOCKETED 6/27/00					/GJN
6/20/2000	Letter	Event ID: 000051		E-Filed: N	
FROM ARC TECHNOLOGY - LINDA MCMILLEN					
DOCKETED 6/2700					/GJN
6/20/2000	Letter	Event ID: 000052		E-Filed: N	
FROM DAWN L. ANNA					
DOCKETED 6/27/00					/GJN
6/20/2000	Letter	Event ID: 000053		E-Filed: N	
FROM JUDY THRELKELD AND SUPPORTERS					
DOCKETED 6/27/00					/GJN
6/21/2000	Letter	Event ID: 000054		E-Filed: N	
FROM JULIA DURAN					
DOCKETED 6/27/00					/GJN
6/21/2000	Letter	Event ID: 000055		E-Filed: N	
FROM SIMON DURAN					
DOCKETED 6/27/00					/GJN
6/21/2000	Letter	Event ID: 000056		E-Filed: N	
FROM ROCKY MTN. NEWS					
DOCKETED 6/27/00					/GJN
6/21/2000	Filing Other	Event ID: 000057		E-Filed: N	
VICTIM IMPACT STATEMENT FROM RICHARD/SUSAN TOWNSEND					
DOCKETED 6/27/00					/GJN
6/22/2000	Letter	Event ID: 000058		E-Filed: N	
FROM JOHN APPELGATE					
DOCKETED 6/27/00					/GJN
6/22/2000	Order	Event ID: 000059		E-Filed: N	
GRANTING REQUEST FOR EXPANDED MEDIA COVERAGE - LTW					
DOCKETED 6/27/00					/GJN
6/22/2000	Letter	Event ID: 000060		E-Filed: N	
FROM THE DENVER POST					
DOCKETED 6/27/00					/GJN
6/23/2000	Minute Order (print)	Event ID: 000044		E-Filed: N	
SENTENCING HEARING LTW/AKN/LESLEY FURJARCKZY					
DISTRICT ATTORNEYS DAVE THOMAS, STEVE JENSEN, GEORGE BRAUCHLER PRESENT.					
DEFENDANT APPEARS (ON BOND) AND WITH COUNSEL MATT DEPETRO. MATTER COMES ON FOR					
SENTENCING. PEOPLE'S EVIDENCE: DECTIVE KATHLEEN BATTON IS SWORN / TESTITIES					
EXHIBITS 1 AND 2 ARE ADMITTED. STATEMENTS TO THE COURT. MS. PATRONE;					
MR. PATRONE; CINDY THIROUIN; BETTY SCHOELES; DAWN ANNA AND BRUCE BECK PRESENT					

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
A VIDEO TO THE COURT THEN ADDRESS THE COURT; PHILLIS VALASQUEZ; AL VALASQUE;					
DIST ATTY READS THE LIST OF THE OTHER PERSONS THAT ARE PRESENT IN THE COURT.					
DEFENDANT'S STATEMENTS, PATRICIA DURAN ADDRESSES THE COURT. SENTENCING					
ARGUMENTS. PEOPLE'S ARGUMENT MADE BY GEORGE BRAUCHLER. DEFENDANT'S ARGUMENT					
MADE BY MATT DEPETRO. DEFENDANT, PHILIP DURAN, ADDRESSES THE COURT. COURT					
STATEMENTS. COURT ORDERS ON COUNT 1, DEPT OF CORRECTIONS, 4 AND ONE-HALF YEARS					
ON COUNT 2, DEPT OF CORRECTIONS, 2 AND ONE-HALF YEARS. SENTENCE TO RUN CON-					
CURRENT . NO CREDIT FOR TIME SERVED. DEFENDANT IS REMANDED. /AKN					
6/23/2000	Case Closed		Event ID: 000045	E-Filed: N	
6/23/2000	Case Closed		Event ID: 000046	E-Filed: N	
6/23/2000	Pre-Sentence Invest Rpt Filed		Event ID: 000061	E-Filed: N	
DOCKETED 6/27/00 /GJN					
6/26/2000	Mittimus Issued		Event ID: 000047	E-Filed: N	
	DEF/ DURAN, PHILIP JOSEPH				
7/27/2000	Filing Other		Event ID: 000062	E-Filed: N	
CONFIDENTIAL ENVELOPE					
DOCKETED 8/1/00 /GJN					
8/04/2000	Notice of Appeal Filed		Event ID: 000063	E-Filed: N	
	DEF/ DURAN, PHILIP JOSEPH				
8/04/2000	Filing Other		Event ID: 000064	E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
PETITIONER-APPELLANT'S DESIGNATION OF RECORD					
DOCKETED 8/7/00 /GJN					
8/04/2000	Notice Filed		Event ID: 000066	E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
DEFENDANT'S NOTICE OF APPEAL					
DOCKETED 8/15/00 /GJN					
8/14/2000	Notice of Appeal Filed		Event ID: 000065	E-Filed: N	
ADVISORY NOTICE OF FILING OF NOTICE OF APPEAL DUE ON 11-1-00 CASE NO. 00CA1378					
REGISTER OF ACTIONS MAILED THIS DATE /BLO					
11/02/2000	Motion		Event ID: 000067	E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
FOR EXTENSION OF TIME TO DECEMBER 1,2000 /MAG					
12/04/2000	Filing Other		Event ID: 000068	E-Filed: N	
REPORTERS TRANSCRIPT FROM HEARING DATED: JUNE 23,2000 TRANSCRIBED BY LESLIE					
FUJARCZYK /MAG					
12/04/2000	Affidavit		Event ID: 000069	E-Filed: N	
FOR TRANSMITTAL OF RECORDS TO COURT OF APPEALS					
ONE VOLUME COPIES OF CT DOCUMENTS					
ONE VOLUME REPORTERS TRANSCRIPTS					
ONE VOLUME RE: VICTIM					
ONE ENVELOPE OF PRE SENTENCE REPORTS /MAG					
12/04/2000	Motion		Event ID: 000070	E-Filed: N	
	ATY/ DE PETRO, J MATTHEW				
SECOND MOTION FOR EXTENSION OF TIME					
DOCKETED 12/4/00 /GJN					
12/05/2000	Motion		Event ID: 000074	E-Filed: N	
	DEF/ DURAN, PHILIP JOSEPH				
SECOND MOTN FOR EXTENSION OF TIME /MAG					
12/08/2000	Order		Event ID: 000071	E-Filed: N	
SECOND MOTION FOR EXTENSION OF TIME GRANTED BY COURT OF APPEALS					
(RECORD ALREADY SENT TO CT OF APPEALS ON 12-4-00) /MAG					
12/11/2000	Motion		Event ID: 000075	E-Filed: N	
THIRD MOTN FOR EXTENSION OF TIME /MAG					

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
12/15/2000	Order		Event ID: 000072	E-Filed: N	
THIRD MOTION FOR EXTENSION OF TIME GRANTED BY COURT OF APPEALS TO 12-15-00					
(ALREADY SENT TO CT OF APPEALS) /MAG					
12/18/2000	Filing Other		Event ID: 000073	E-Filed: N	
RECEIPT OF RECORDS RECEIVED BY COURT OF APPEALS /MAG					
10/31/2001	Motion		Event ID: 000076	E-Filed: N	
ATY/ DE PETRO, J MATTHEW					
DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO RULE 35(B)					
DOCKETED 10/31/01 /GJN					
11/07/2001	Order		Event ID: 000077	E-Filed: N	
SENTENCES AFFIRMED BY COURT OF APPEALS					
MANDATE ISSUED /MAG					
12/07/2001	Response		Event ID: 000078	E-Filed: N	
IMP/DDA COHEN, DOUGLAS					
TO DEFTS MOTION TO RECONSIDER SENTENCE					
DOCKETED 12/10/01 /RDA					
1/15/2002	Filing Other		Event ID: 000079	E-Filed: N	
RECORD ON APPEAL RECEIVED BACK FROM CT OF APPEALS					
1 VOL REPORTERS TRANSCRIPT HELD IN EXHIBIT VAULT					
4 YRS DOC SENTENCE ON JUNE 2000 /SP					
2/06/2002	Order		Event ID: 000080	E-Filed: N	
DENYING MOTION TO REDUCE SENTENCE PURSUANT TO CR CRIM P 35B -- LTW					
DOCKETED 2/7/02 /RDA					

BOND INFORMATION

Bond Id Number.....: 1	Bond Status.....:	
Set Date.....: 6/15/1999	Set Amount.....: \$15,000.00	Type:
Post Date.....: 6/17/1999	Post Amount.....: \$15,000.00	Type: CASH
Bond Instructions:		
May use for Fines and Costs:		
May be released to Defendant:		
Conditions:		
8-31-99 PR COSIGNED BY PARENTS AUTH		
Bond Id Number.....: 2	Bond Status.....:	
Post Date.....: 8/31/1999	Post Amount.....: \$15,000.00	Type: PRC
Bond Instructions:		
May use for Fines and Costs:		
May be released to Defendant:		
Conditions:		
DEF1		

End of Case: 1999 CR 001580

DISTRICT COURT, JEFFERSON COUNTY, COLORADO

Court Address: 100 Jefferson County Parkway

Golden, CO 80401-6002
Phone Number: 720-772-2500

^ COURT USE ONLY ^

Case Number: 1999CR001580

The People of the State of Colorado
vs.
DURAN, PHILIP JOSEPH

Division: 1

SENTENCE ORDER

Defendant: DURAN, PHILIP JOSEPH	Date of Birth: 11/28/1976	
Count	Class	Plea
1 18-12-108.7 - PROVIDE/PERMIT JUV TO POSS HANDGUN	F4	Plea of Guilty
2 18-12-102(3) - POSSESS DANGEROUS WEAPON	F5	Plea of Guilty
3 18-6-701 - CONTRIB DELINQUENCY OF MINOR	F4	
		Finding
		Guilty
		Guilty
		Dism by DA

ASSESSED FINES & COSTS

Count # 1
 Department of Corrections: 4 Years
 Department of Corrections: 6 Months
 Victim Compensation Fund \$125.00
 Victims Assistance Fund \$125.00
 Court Costs \$30.00
 Request for Time to Pay \$25.00
Count # 2
 Department of Corrections: 2 Years
 Department of Corrections: 6 Months
TOTAL \$305.00

Concurrent with count 1 of case number 99CR1580 in District Court, Jefferson County

Other Conditions of Sentence:

NO CREDIT FOR TIME (NON SERVED). /AKN

WOODFORD, TOM	2000-06-23
Judge/Magistrate	Date

DURAN, PHILIP JOSEPH	2000-06-23
Defendant	Date

*****NOTICE*****
 Following this hearing you are to present this form to the Clerk's Office for payment. Payment is due by the end of business on your Court Date. Pursuant to §16-11-101.6, C.R.S., if the Defendant does not pay all amounts assessed at the time of order, the Defendant shall pay an additional time payment fee. In addition, the Defendant may be assessed a late penalty fee each time payment is not received on or before the due date.

☐ Small Claims ☐ County Court ☒ District Court ☐ Probate Court ☐ Juvenile Court ☐ Water Court JEFFERSON County, State of Colorado Court Address: 100 Jefferson County Parkway Golden, CO 80401	▲ COURT USE ONLY ▲ Case Number: 99 CR 1580 Div.:1 Ctrm: 4-B
PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. PHILIP J. DURAN, Defendant.	
ORDER ON MOTION TO REDUCE SENTENCE PURSUANT TO COLO. R. CRIM. P. 35(b)	

THIS MATTER comes before the Court on the Defendant's "Motion to Reduce Sentence Pursuant to Rule 35(b)" filed on October 31, 2001 ("Motion"). The District Attorney filed a response on December 7, 2001 ("Response").

I congratulate Mr. Duran upon the fine record he has made in the Department of Corrections. I knew that he would do well. I dislike having a fine young man in prison.

However, the sentence was imposed after considering all applicable statutory factors. I was pleased and flattered by the Court of Appeals characterization of the Trial Court's application of the various sentencing criteria.

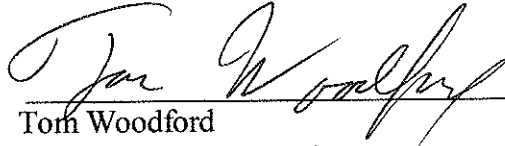
The overwhelming factor is the enormity of the impact upon this community. The actions of Mr. Duran and Mr. Manes contributed to anguish and sorrow that has no boundary.

With extreme regret, I deny Mr. Duran's "Motion to Reduce Sentence Pursuant to Rule 35(b)."

DOCKETED

SO ORDERED this 6th day of FEB, 2002.

BY THE COURT:


Tom Woodford
Chief District Court Judge

CERTIFICATE OF MAILING

I hereby certify that I have on this 7th day of Feb, 2002, placed a true and correct copy of the enclosed **ORDER** in the United States mail, postage prepaid and addressed to the following:

J. Matthew DePetro
5445 DTC Parkway, Suite 850
Greenwood Village, Colorado 80111

Office of the District Attorney
First Judicial District
500 Jefferson County Parkway
Golden, Colorado 80401


Clerk

-no Date

01 OCT 31 AM 8:50

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Pkwy. Golden, CO 80401	FILED DISTRICT COURT JEFFERSON COUNTY RECORDED INDEXED NOV 01 2001 ▲ COURT USE ONLY ▲ Case Number: 99 CR 1580 Div.: 1 Ctrm:
PEOPLE OF THE STATE OF COLORADO v. PHILIP J. DURAN, Defendant.	
Attorney for Defendant: J. Matthew DePetro 5445 DTC Parkway, Suite 850 Greenwood Village, CO 80111 Phone: 303-796-2034 Fax: 303-796-2915 Attorney Registration No. 12770	
DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO RULE 35(b)	

The Defendant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 35(b) of the Colorado Rules of Criminal Procedure, move this Honorable Court to issue an order reducing or otherwise modifying his sentence, and in support thereof states:

A. INTRODUCTION

1. That on or about June 23, 2000, the Defendant was sentenced in the instant action.

2. That the Defendant was sentenced to four and one-half years in the Department of Corrections as to Count I, and two and one-half years in the Department of Corrections as to Count II.

3. That less than 120 days has expired since the Court's sentence was affirmed by the Colorado Court of Appeals in case number 00 CA 1378.

4. That the Defendant submits that good cause exists for this Court to reduce his sentences or otherwise modify the same.

DOCKETED

5. That the Defendant has maintained consistent and steady compliance with all of the terms of his sentences.

6. That the Defendant was placed in minimum security at the Skyline Corrections Facility in Canon City, Colorado.

7. That the Defendant has maintained a report free record while at the Skyline facility.

8. That the Defendant has been a model prisoner throughout his time in the Department of Corrections.

9. That the Defendant took advantage of every program available to him while in prison.

10. That the Defendant's Inmate Reclassification Custody Rating has improved throughout his time at the Skyline Corrections Facility. See the attached rating reports marked Exhibit A.

11. That the Defendant's Progress Assessment Summary has been exemplary. See the attached assessment summary marked as Exhibit B.

12. That the Defendant's Employment/Academic/Vocational Evaluations have been outstanding, and without blemish. See the attached evaluations marked Exhibit C.

13. The Defendant completed the Impact of Crime on Victims Program. See attached certificate marked Exhibit D.

B. CONCLUSION

14. That the Defendant does not pose a threat to himself, any victims, or society in general.

15. That the Defendant would significantly and substantially benefit from the modification of his sentence.

16. That the Defendant continues to maintain strong ties to his family, which continue to assist the Defendant in his recovery.

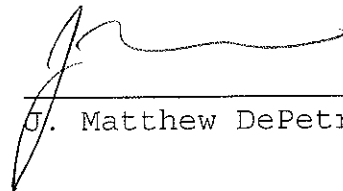
17. That reducing the Defendant's sentence would promote justice, and not unduly minimize his actions.

18. That the Defendant requests that this matter be set for hearing on the court's docket.

WHEREFORE, the Defendant prays that this Honorable Court enter an order reducing his sentences imposed as of June 23, 2000.

DATED this 29th day of October, 2001.

Respectfully submitted,

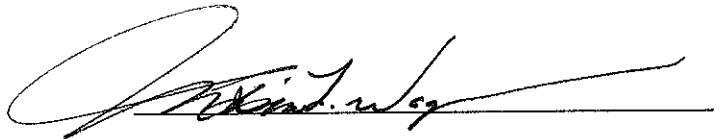


J. Matthew DePetro, Esq.

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of October, 2001, a true and correct copy of the above and foregoing **DEFENDANT'S MOTION TO REDUCE SENTENCE PURSUANT TO RULE 35(b)** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

District Attorney's Office
1st Judicial District
500 Jefferson County Pkwy.
Golden, CO 80401



STATE OF COLORADO
DEPARTMENT OF CORRECTIONS
INMATE RISK CLASSIFICATION CUSTODY RATING
FACILITY: SCC

DC Form 600-1C (Rev. 3/94)

Inmate Name DURAN, Philip DOC # 105678 PMD/PED 06/23/02
Case Manager Jeff Hartbauer Last Custody Level MIN Scoring Date 06/30/01

1. HISTORY OF INSTITUTIONAL VIOLENCE (Review individuals entire background of incarceration for seven (7) years prior to reclassification date.)
None 0
Assault and Battery not involving weapon; no serious injury (exclude fighting) 3
Assault and Battery involving use of weapon or serious injury 10
Assault against staff or visitors 10 0
2. DID ABOVE ASSAULT OCCUR WITHIN LAST TWELVE MONTHS? Yes 3 No 0 0
3. SEVERITY OF CURRENT CONVICTION (Score most serious conviction.)
Low 1 Low Moderate 2 Poss Illegal 3 3
High 5 Highest 7 Weapons 0
If multiple convictions for high or highest, add 2 points 0
If offense resulted in death, add 2 points 0
4. SEVERITY OF PRIOR CONVICTIONS (Score most serious felony history.)
None, Low, or Low Moderate 0 Moderate 1
High 3 Highest 4 0

SCORE PART A: (Add items 1 through 4)

Custody Scale - Close: 14 or above

13 or less: Continue with scoring of remaining factors

PART A SCORE: 3

5. PRIOR FELONY CONVICTIONS (Do not include current conviction.)
None 0 One 2 Two or more 4 0
One or more prior at high or Highest: Add 2 points 0
Any prior resulting in death: Add 2 points 0
6. DETAINER/PENDING CHARGES
None or misdemeanor 0 Felony 10 0
7. ESCAPE HISTORY (Last three years from this rating date.)
An escape/attempted escape/abscond resulting in administrative action 3
An escape/attempted escape from Level II facility or below (no violence) 4
An escape/attempted escape from Level III facility or above (no violence) 6
An escape/attempted escape from any facility with violence 8 0
8. DISCIPLINARY CONVICTIONS RECEIVED (Cumulative)
LAST 24 MONTHS: Number of Class I _____ x 13 = ... 0
LAST 12 MONTHS: Number of Class IIa _____ x 8 = ... 0
Number of Class IIb _____ x 5 = ... 0
9. HISTORY OF DISCIPLINARY CONVICTIONS (Do not include Class III's unless three or more this review period.)
None in last 25+ months -7
None in last 19-24 months -5
None in last 13-18 months -3
None in last 7-12 months -2
None in last 6 months -1 -2
BRDC 06/30/00 06/23/01
10. PAROLE ELIGIBILITY DATE: Multiply times 1, subject's calendar years to serve before parole eligible 0

SCORE PART B: (Add items 1 through 10)

Close 36+ Minimum Restrictive 8-16
Medium 17-35 Minimum 7 or less

TOTAL SCORE: 1

M-1, P-1, S-1

CUSTODY DESIGNATION

CASE MANAGER	Instrument scored custody level: <u>MINIMUM</u> Next scheduled review date: <u>12/30/01</u>
	Override requests: <u>Yes</u> ☒ No ☐ [Code # _____] Recommend custody level: <u>MINIMUM</u>
COMMITTEE	Justification/Comments: <u>Routine reclass. Retain at SCC.</u>
	Inmate Signature: <u>[Signature]</u> Case Manager: <u>Jeff Hartbauer</u> Date: <u>6-30-01</u>
	Approval: <u>Yes</u> ☒ No ☐ Facility retention override: <u>Yes</u> ☒ No ☐
OFFENDER SERVICES	Justification: <u>Retain at SCC.</u>
	Custody Designation: <u>Min.</u> Class Chairman: <u>[Signature]</u> Date: <u>7-5-01</u>
	Override ☐ Authorized ☐ Denied ☐ Modified ☐ Custody Designation: _____
	Comment/Stipulations: _____
	Authorized Signature: _____ Date: _____

Distribution: White - Department; Canary - Working; Pink - Inmate



STATE OF COLORADO
DEPARTMENT OF CORRECTIONS
INMATE CLASSIFICATION CUSTODY RATING
FACILITY: SCC

Inmate Name Duran, Philip DOC # 105678 PMD/PED 8/23/02
 Case Manager Hartbauer Last Custody Level Minimum Scoring Date 12/20/00

1. HISTORY OF INSTITUTIONAL VIOLENCE (Review individuals entire background of incarceration for seven (7) years prior to reclassification date.)
- None.....0
 Assault and Battery not involving weapon; no serious injury (exclude fighting).....3
 Assault and Battery involving use of weapon or serious injury.....10
 Assault against staff or visitors.....10 0
2. DID ABOVE ASSAULT OCCUR WITHIN LAST TWELVE MONTHS? Yes.....3 No.....0 0
3. SEVERITY OF CURRENT CONVICTION (Score most serious conviction.)
- Low.....1 Low Moderate.....2 Moderate Poss Weapon.....3 3
 High.....5 Highest.....7
 If multiple convictions for high or highest, add 2 points.....0
 If offense resulted in death, add 2 points.....0
4. SEVERITY OF PRIOR CONVICTIONS (Score most serious felony history.)
- None, Low, or Low Moderate.....0 Moderate.....1
 High.....3 Highest.....4 0

SCORE PART A: (Add items 1 through 4)

Custody Scale - Close: 14 or above

13 or less: Continue with scoring of remaining factors

PART A SCORE: 3

5. PRIOR FELONY CONVICTIONS (Do not include current conviction.)
- None.....0 One.....2 Two or more.....4 0
 One or more prior at high or Highest: Add 2 points.....0
 Any prior resulting in death: Add 2 points.....0
6. DETAINER/PENDING CHARGES
- None or misdemeanor.....0 Felony.....10 0
7. ESCAPE HISTORY (Last three years from this rating date.)
- An escape/attempted escape/abscond resulting in administrative action.....3
 An escape/attempted escape from Level II facility or below (no violence).....4
 An escape/attempted escape from Level III facility or above (no violence).....6
 An escape/attempted escape from any facility with violence.....8 0
8. DISCIPLINARY CONVICTIONS RECEIVED (Cumulative)
- LAST 24 MONTHS: Number of Class I ____ x 13 =.....0
 LAST 12 MONTHS: Number of Class IIa ____ x 8 =.....0
 Number of Class IIb ____ x 5 =.....0
9. HISTORY OF DISCIPLINARY CONVICTIONS (Do not include Class III's unless three or more this review period.)
- None in last 25+ months.....-7
 None in last 19-24 months.....-5
 None in last 13-18 months.....-3
 None in last 7-12 months.....-2
 None in last 6 months.....-1 -1
 DRDC 6/30/00
10. PAROLE ELIGIBILITY DATE: Multiply times 1, subject's calendar years to serve before parole eligible 8/23/02 1

SCORE PART B: (Add items 1 through 10)

Close.....36+ Minimum Restrictive.....8-16
 Medium.....17-35 Minimum.....7 or less

TOTAL SCORE: 3

M-1 P-1 S-1

CUSTODY DESIGNATION

6/30/01

CASE MANAGER	Instrument scored custody level: <u>Minimum</u> Next scheduled review date: <u>6/30/01</u>
	Override requests: <u>X</u> Yes <u>No</u> (Code # <u> </u>) Recommend custody level: <u>Minimum</u>
COMMITTEE	Justification/Comments: <u>Routine Reclass. Retain at SCC</u>
	Inmate Signature: <u>[Signature]</u> Case Manager: <u>[Signature]</u> Date: <u>12/30/00</u>
	Approval: <u>X</u> Yes <u>No</u> Facility retention override: <u>Yes</u> <u>No</u>
OFFENDER SERVICES	Justification: <u>Retain at SCC</u>
	Custody Designation: <u>Minimum</u> Class Chairman: <u>[Signature]</u> Date: <u>6/30/01</u>
	Override <u> </u> Authorized <u> </u> Denied <u> </u> Modified <u> </u> Custody Designation: <u> </u>
	Comment/Stipulations: <u> </u>
	Authorized Signature: <u> </u> Date: <u> </u>

Distribution: White - Department; Canary - Working; Pink - Inmate

SCC

STATE OF COLORADO
DEPARTMENT OF CORRECTIONS
INMATE INITIAL CUSTODY RATING
FACILITY: DRDC

DC Form 600-1B (Rev.3/94)

SCC

Inmate Name Duran, Philip DOC # 105678 PMD/PED 8.23.2002
Case Manager T. Norton Last Custody Level MAX/NA Scoring Date 7.11.2001

- HISTORY OF INSTITUTIONAL VIOLENCE (Review individuals entire background of incarceration for seven (7) years prior to admission date.)
 - None 0
 - Assault and Battery not involving weapon; no serious injury (exclude fighting) 3
 - Assault and Battery involving use of weapon or serious injury 10 0
 - Assault against staff or visitors 10 0
- SEVERITY OF CURRENT CONVICTION (Score most serious conviction.)
 - Low 1 Low Moderate 2 Moderate Pass. Day. Weapon 3 3
 - High 5 Highest 7 0
 - If multiple convictions for high or highest, add 2 points 0
 - If offense resulted in death, add 2 points 0
- SEVERITY OF PRIOR CONVICTIONS (Score most serious in adult history.)
 - None, Low, or Low Moderate 0 Moderate 2
 - High 4 Highest 6 0
- ESCAPE HISTORY (Rate last three(3) years of incarceration.)
 - An escape/attempted escape/abscond resulting in administrative action 3
 - An escape/attempted escape from Level II facility or below (no violence) 4
 - An escape/attempted escape from Level III facility or above (no violence) 6 0
 - An escape/attempted escape from any facility with violence 8 0

SCORE PART A: (Add items 1 through 4)

Custody Scale - Close: 14 or above

Complete Part B: if score is less than 14

PART A SCORE:

3

- ALCOHOL/DRUG ABUSE
 - None 0
 - Abuse causing occasional legal and social adjustment problems 1
 - Serious abuse/serious disruption of function 3 0
- CURRENT OR PENDING DETAINER
 - None 0
 - Misdemeanor Detainer 3
 - Felony Detainer 7 0
- PRIOR FELONY CONVICTIONS
 - None 0 One 2
 - Two 4 Three or More 6 0
- STABILITY FACTORS (Circle where appropriate and combine score.)
 - Age 26 and over Age 23 2
 - High School diploma or GED received Not Verified -1
 - Employed/attending school (full/part-time) for six months or more at time of arrest -1
- PAROLE ELIGIBILITY DATE
 - Multiply times 1, subject's calendar years to serve before parole eligible 2

SCORE PART B: (Add items 1 through 9)

Close 29+ Minimum Restrictive 7-13
Medium 14-28 Minimum 6 or less

PART A SCORE:

14

CUSTODY DESIGNATION

CASE MANAGER	Instrument scored custody level: <u>Minimum</u> Next scheduled review date: <u>12.20.2000</u>
	Override requests: Yes <u>NO</u> [Code # <u> </u>] Recommend custody level: <u>Minimum</u>
COMMITTEE	Justification/Comments: <u>Not Violent</u>
	Inmate Signature: <u>[Signature]</u> Case Manager/Programmer: <u>T. Norton</u> Date: <u>7.13.2000</u>
OFFENDER SERVICES	Approval: <u>X</u> Yes <u> </u> No <u> </u> Modified <u> </u> Justification <u> </u>
	Custody Designation: <u>MIN</u> Class. Chairman: <u>Eric E. Peterson</u> Date: <u>7/13/2000</u>
	Override <u> </u> Authorized <u> </u> Denied <u> </u> Modified <u> </u> Custody Designation: <u>MINIMUM</u>
Comment/Stipulations: <u> </u>	
Authorized Signature: <u>[Signature]</u> Date: <u>7/13/00</u>	

Distribution: White - Department; Canary - Working; Pink - Inmate

COLORADO DEPARTMENT OF CORRECTIONS
PROGRESS ASSESSMENT SUMMARY
DATE OF PAS: 01/12/2001

DOCNO: 105678 DURAN, PHILIP J

FACILITY: SC SKYLINE

CURRENT CUSTODY: MINIMUM
NEXT PAROLE HRG DATE: 2002-05

CASE MANAGER: HARTBAUER
NEXT PAS DUE: 07/12/2001

WORK LEVEL

INITIAL: 3 CURRENT: 3

DURAN ARRIVED AT SCC ON JULY 19, 2000 FROM DRDC. HE WAS ASSIGNED TO CI FARM ON JULY 29, 2000. EVALUATIONS REFLECT AN OUTSTANDING WORKER.

ACADEMIC/VOCATIONAL

INITIAL: 2/4 CURRENT: 2/4

DURAN RECEIVED A GED IN AUGUST OF 1995. HE IS PRESENTLY ENROLLED IN IMPACT OF CRIME ON VICTIMS. DURAN IS RECEIVING ON THE JOB TRAINING FROM CI FARM.

MEDICAL

INITIAL: 1 CURRENT: 1

DURAN IS A M-1, NO LIMITS.

SUBSTANCE ABUSE (ALCOHOL/DRUGS)

INITIAL: 0/0 CURRENT: 0/0

NO NEEDS NOTED IN THIS AREA.

SEXUAL VIOLENCE

INITIAL: 1 CURRENT: 1

NO APPARENT NEEDS IN THIS AREA.

MENTAL HEALTH

INITIAL: 1 CURRENT: 1

NO NEEDS.

ANGER

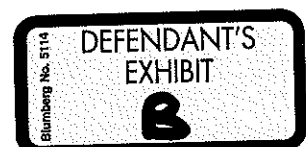
INITIAL: 1 CURRENT: 1

NO NEEDS.

MRDD

INITIAL: 1 CURRENT: 1

NO NEEDS.



1 GRESS ASSESSMENT SUMMARY
DATE OF PAS: 01/12/2001

DOCNO: 105678 DURAN, PHILIP J

FACILITY: SC SKYLINE

CURRENT CUSTODY: MINIMUM
NEXT PAROLE HRG DATE: 2002-05

CASE MANAGER: HARTBAUER
NEXT PAS DUE: 07/12/2001

LEISURE

INITIAL: 2 CURRENT: 2

DURAN SPENDS HIS LEISURE TIME GOING TO RECREATIONAL ACTIVITIES, READING, WATCHING TV, AND SOCIALIZING WITH A SELECT PEER GROUP.

CONDUCT

INITIAL: 2 CURRENT: 2

DURAN HAS BEEN REPORT FREE SINCE ARRIVING AT DOC ON JUNE 30, 2000. HE IS NOT CONSIDERED A MANAGEMENT PROBLEM.

PRE-RELEASE

INITIAL: 2 CURRENT: 2

DURAN WOULD LIKE TO GO TO COMMUNITY CORRECTIONS BEFORE MEETING THE PAROLE BOARD.

CASE MANAGER COMMENTS/RECOMMENDATIONS

STAY REPORT FREE AND IN A WORK ASSIGNMENT.

HARTBAUER
HARTBAUER (Case Manager)

01/12/2001

Date

DEPARTMENT OF CORRECTIONS
EMPLOYMENT/ACADEMIC/VOCATIONAL EVALUATION
FACILITY: SKYLINE

Inmate Name: DURAN, PHILIP J

DOCNO: 105678

Pgm Assignment: CORR IND CI CANON FARM

LABR APPRENTICE

Provider: NICHOLS, G Date Assigned: 07/29/2000

Current Pay Rate: \$ 1.53 Report Dates: 09/01/2000 To 09/30/2000

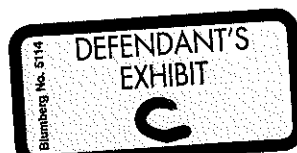
Attitude Rating: 1 Offender conducts self in a socially accepted manner and abides by the rules and regulations. Associates well with peers and cooperates well with supervisors.

Aptitude Rating: 1 Achievement oriented offender who excels in the work place. Has professional attitude and usually has exceptionally stable work history.

Status/Disposition:

Continue Assignment

Remarks/Comments:



DEPARTMENT OF CORRECTIONS
EMPLOYMENT/ACADEMIC/VOCATIONAL EVALUATION
FACILITY: SKYLINE

Inmate Name: DURAN, PHILIP J

DOCNO: 105678

Pgm Assignment: CORR IND CI CANON FARM

LABR APPRENTICE

Provider: NICHOLS, G Date Assigned: 07/29/2000

Current Pay Rate: \$ 1.53 Report Dates: 11/01/2000 To 11/30/2000

Attitude Rating: 1 Offender conducts self in a socially accepted manner and abides by the rules and regulations. Associates well with peers and cooperates well with supervisors.

Attitude Rating: 1 Achievement oriented offender who excels in the work place. Has professional attitude and usually has exceptionally stable work history.

Status/Disposition:

Continue Assignment

Remarks/Comments:

DEPARTMENT OF CORRECTIONS
EMPLOYMENT/ACADEMIC/VOCATIONAL EVALUATION
FACILITY: SKYLINE

Inmate Name: DURAN, PHILIP J

DOCNO: 105678

Pgm Assignment: CORR IND CI CANON FARM

LAER APPRENTICE

Provider: NICHOLS, G Date Assigned: 07/29/2000

Current Pay Rate: \$ 1.53 Report Dates: 12/01/2000 To 12/31/2000

Attitude Rating: 1 Offender conducts self in a socially accepted manner and abides by the rules and regulations. Associates well with peers and cooperates well with supervisors.

Aptitude Rating: 1 Achievement oriented offender who excels in the work place. Has professional attitude and usually has exceptionally stable work history.

Status/Disposition:

Continue Assignment

Remarks/Comments:

DEPARTMENT OF CORRECTIONS
EMPLOYMENT/ACADEMIC/VOCATIONAL EVALUATION
PATIENT: RETIRED

Inmate Name: DURAN, PHILIP J

DOB: 10/25/43

Prison Assignment: CORE UNIT CY TAYLOR FARM

OR FILE APPR

Provider: BUCHANAN, J Date Assigned: 01/14/2001

Current Pay Rate: \$ 1.00 Report Dates: 02.01, 2001 To 02.15 2001

Attitude Rating: 1 Offender conducts self in a socially accepted manner and abides by the rules and regulations. Associates well with peers and cooperates well with supervisors.

Achievement Rating: 1 Achievement oriented offender who excels in the work place. His professional attitude and usually has exceptionally stable work history.

Status/Disposition:

Continue Assignment

Remarks/Comments:

DEPARTMENT OF CORRECTIONS
EMPLOYMENT/ACADEMIC/VOCATIONAL EVALUATION
FACILITY: SKYLINE

Inmate Name: DURAN, PHILIP J

DOCNO: 105678

Pgm Assignment: CORR IND CI CANON FARM

CK TYP APPR

Provider: NICHOLS. G Date Assigned: 01/14/2001

Current Pay Rate: \$ 2.03 Report Dates: 03/01/2001 To 03/31/2001

Attitude Rating: 1 Offender conducts self in a socially accepted manner and abides by the rules and regulations. Associates well with peers and cooperates well with supervisors.

Aptitude Rating: 1 Achievement oriented offender who excels in the work place. Has professional attitude and usually has exceptionally stable work history.

Status/Disposition:

Continue Assignment

Remarks/Comments:

CERTIFICATE OF ACHIEVEMENT

Awarded to

PHILIP J. DURAN

for successful participation
in the

IMPACT OF CRIME ON VICTIMS
PROGRAM

April 4, 2001

Santha York
Instructor

J. Ralph Martinez
Programs Manager

Seiberg No. 9114

DEFENDANT'S
EXHIBIT

None

District Court Jefferson County, Colorado Court Address: 100 Jefferson County Parkway Golden, CO	DEC -7 PM 3:43 FILED CLERK OF DISTRICT COURT JEFFERSON COUNTY, CO
PEOPLE OF THE STATE OF COLORADO v. PHILIP JOSEPH DURAN Defendant	COURT USE ONLY
David J. Thomas, District Attorney Steven L. Jensen, DDA 500 Jefferson County Parkway Golden, CO 80401-6002 Phone Number: (303)271-6800 FAX Number: (303)271-6888 E-mail: Attorney Reg. #14141	Case No. 99 CR 1580 Div.: 1 Ctrm.: RECEIVED DISTRICT COURT JEFFERSON COUNTY DEC 11 2001
PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO RECONSIDER SENTENCE	

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully submits this Honorable Court the People's Response to the Defendant's Motion to Reconsider Sentence as follows:

1. The defendant's four and one half year sentence to the Department of Correction was imposed only after a lengthy sentencing hearing in which all relevant factors were considered by the Court. The Court's sentence was fair and appropriate.
2. The great and catastrophic harm that the defendant's acts facilitated clearly warranted the sentence imposed by the Court.
3. The need to deter others from providing handguns to unstable minors is a strong argument against any reconsideration of sentence.
4. The views expressed to the Court by family members of those killed or wounded in the Columbine massacre is inconsistent with reconsideration of the defendant's sentence.

WHEREFORE, the People urge this court to deny the Defendant's Motion for Reconsideration of Sentence.

Respectfully submitted,

DAVID J. THOMAS
District Attorney

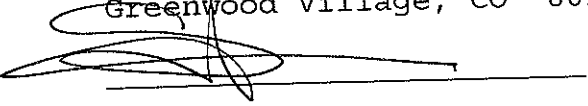
By: 

STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing People's Response to Defendant's Motion to Reconsider Sentence was mailed on December 7, 2001 by depositing same in the U.S. Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro
Attorney at Law
5445 DTC Parkway, Suite 850
Greenwood Village, CO 80111



1

PEOPLE OF THE STATE OF COLORADO,
PLAINTIFF-APPELLEE
v.
PHILIP JOSEPH DURAN,
DEFENDANT-APPELLANT

01 NOV -7 AM 8:57

Appeal from the District Court of JEFFERSON COUNTY
Honorable TOM WOODFORD, Judge
No. 1999CR001580

FILED
DISTRICT COURT
JEFFERSON COUNTY, CO
RECEIVED
District Court
Jefferson County

NOV 16 2001

This proceeding was presented to this Court on the record on
appeal. In accordance with its announced opinion, the Court of

Appeals hereby ORDERS:

SENTENCES AFFIRMED

Clerk of the Court of Appeals

By: *Catherine Cunningham*
Deputy Court Clerk

COPIES MAILED TO
COUNSEL OF RECORD
Tr. Ct. Judge Tr. Ct. Clerk
AND
ON 11-5-01
a
COLORADO COURT OF APPEALS
DOCKETED

Mandate

COLORADO COURT OF APPEALS

Court of Appeals No. 00CA1378
Jefferson County District Court No. 99CR1580
Honorable Tom Woodford, Judge

01 NOV -7 AM 8:57

FILED
COLORADO COURT
JEFFERSON COUNTY, CO

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philip J. Duran,

Defendant-Appellant.

SENTENCES AFFIRMED

Division II
Opinion by JUDGE NEY
Hume, C.J., and Casebolt, J., concur

NOT SELECTED FOR PUBLICATION
September 6, 2001

Ken Salazar, Attorney General, John T. Bryan, Assistant Attorney General, Denver, Colorado, for Plaintiff-Appellee

J. Matthew DePetro, Greenwood Village, Colorado, for Defendant-Appellant

DOCKETED

Defendant, Philip J. Duran, appeals the sentences imposed upon his guilty pleas to providing a handgun to a juvenile and possession of an illegal dangerous weapon. We affirm.

Defendant introduced Eric Harris and Dylan Klebold to Mark Manes who, in turn, sold a TEC-9 handgun to Klebold that was subsequently used to kill four people and wound two others at Columbine High School. Defendant also participated in sessions at a firing range with Harris, Klebold, and Manes, during which he fired an illegally modified shotgun belonging to Harris.

Defendant pled guilty to charges of providing a handgun to a juvenile, a class four felony, and possession of an illegal dangerous weapon, a class five felony. A third felony count of contributing to the delinquency of a minor was dismissed.

After holding a hearing, the trial court sentenced defendant to four years and six months on the class four felony and two years and six months on the class five felony, to be served concurrently in the Department of Corrections (DOC). Both sentences were within the presumptive statutory range for the felony class of each offense under § 18-1-105(1)(a)(V)(A), C.R.S. 2000.

On appeal, defendant contends that the trial court abused its discretion in imposing sentence. We are not persuaded.

The trial court is afforded broad discretion in determining a sentence because of its familiarity with the facts of the case and the fact that it is in the best position to fix a sentence

that reflects a balance of the relevant considerations. Rocha v. People, 713 P.2d 350 (Colo. 1986); People v. Watkins, 200 Colo. 163, 613 P.2d 633 (1980).

In exercising its discretion in sentencing, the trial court is to be guided by consideration of a number of factors, including the need to protect the public from further criminal activity, the potential deterrent effect of the sentence, the rehabilitative needs and potential of the defendant, and the severity of the sentence in relation to sentences imposed for similar crimes. See § 18-1-102.5, C.R.S. 2000; Rocha v. People, *supra*; People v. Moody, 630 P.2d 74 (Colo. 1981).

On review of a sentencing decision, an appellate court must determine whether the sentence is consistent with the nature of the offense, the character and rehabilitative potential of the offender, and the public interest in safety and deterrence. People v. Fuller, 791 P.2d 702 (Colo. 1990). If a sentence is within the range required by law, is based on appropriate considerations as reflected in the record, and is factually supported by the circumstances of the case, an appellate court must uphold it. People v. Vigil, 718 P.2d 496 (Colo. 1986).

Because of the trial court's familiarity with the circumstances of the case, the appellate court will only substitute its judgment in sentencing matters in truly exceptional cases. See People v. Fuller, *supra*.

Here, defendant asserts that the trial court failed to

consider his actions in the appropriate context, because in his view his conduct was substantially less culpable than that of Manes and therefore he should have received a much lighter sentence. We note that Manes received six-year and three-year terms for the identical charges, appreciably more than defendant here received. See People v. Manes, (Colo. App. No. 99CA2391, Apr. 26, 2001) (not selected for official publication).

However, because sentencing is by its nature individualized, there is no rule that confederates in crime must receive equal sentences. See People v. Bruebaker, 189 Colo. 219, 539 P.2d 1277 (1975); People v. Walford, 716 P.2d 137 (Colo. App. 1985). Similarly, there is no rule that less culpable offenders must receive a significantly lighter sentence than a more culpable party. See People v. Henley, 539 P.2d 496 (Colo. App. 1975) (not selected for official publication). Thus, we reject this argument.

We also reject defendant's assertion that an expectation was created that he would receive a dramatically lighter sentence, than Manes because the prosecution sought only an "appropriate sentence," rather than specifically requesting a DOC sentence as it did in Manes's case. There is no evidence in the record that the prosecution agreed to recommend a lighter sentence in this case; in fact, there was no stipulation whatsoever regarding the sentence to be imposed. Thus, there was no basis for any such expectation on defendant's part.

Defendant also maintains that the court emphasized punishment and deterrence to the exclusion of the other factors to be considered in sentencing. However, our review of the record leads us to conclude otherwise.

The trial court considered the factual circumstances of the crimes themselves, in particular that defendant knew Harris and Klebold were underage and yet participated in shooting dangerous and illegally modified weapons with them. The court also expressed concern with the fact that defendant did not choose to sell Harris and Klebold weapons himself because he did not want his name to be part of a "paper trail," thereby indicating his knowledge of the illegality of the situation.

The court also weighed the possibility of a sentence to probation against the effect such a sentence would have on the public confidence in the outcome of the case. The court also discussed the differences between defendant and Manes, specifically noting the fact that defendant's conduct was not as severe and did not deserve as lengthy a sentence. The court also considered defendant's background and lack of a criminal record and further recognized that defendant was "a good young man" who was not in need of rehabilitation.

However, the court determined that the ultimate consequences of these crimes and the magnitude of the impact on the community necessitated a sentence to DOC of some length to provide a deterrent and to promote respect for the law.

We do not agree with defendant that the court misapprehended the facts or otherwise relied on faulty information in choosing sentences within the presumptive range for these offenses. Rather, we conclude that the court fully considered the appropriate factors and arrived at a synthesis that balanced the interests of society as well as those of defendant. See People v. Martinez, 628 P.2d 608 (Colo. 1981). Thus, the sentences imposed did not constitute an abuse of the trial court's discretion. See People v. Vigil, supra.

The sentences are affirmed.

CHIEF JUDGE HUME and JUDGE CASEBOLT concur.

COURT OF APPEALS, STATE OF COLORADO
Case No. 00 CA 1378

RECEIVED
District Court
Jefferson County

99Cr1580

Duran

1

2000 DEC -8 A 10: 27

DEC 18 2000

COPIES MAILED TO
COUNSEL OF RECORD

THIRD MOTION FOR EXTENSION OF TIME

By: Ct. Judge ~~Tr. Ct. Clerk~~

AND ~~Court Reporter~~

ON 12-11-00

BY ACG

COLORADO COURT OF APPEALS

OF THE STATE OF COLORADO

GRANTED 1-SENIED
12-11-00

To 2 including
12-15-2000

COURT OF APPEALS

Appellant.

pb/sy

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 8, 2000.
2. That on or about December 7, 2000, the undersigned counsel's office contacted the Deputy Clerk in charge of appeals in the Jefferson County District Court.
3. That the Deputy Clerk informed the undersigned counsel's office that the record on appeal was mailed on December 4, 2000.
4. That on or about December 7, 2000, at approximately 10:30 a.m. the undersigned counsel's office contacted the Court of Appeals and was told that the record has not been received and recorded as of that time.
5. That as a precaution the undersigned counsel would like to request an extension up to and including December 15, 2000.
6. That cause exists to extend the time for filing the record on appeal in this matter for one week so as to insure the timely transmission of the record on appeal.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 15, 2000.

DOCKETED

MAG

THIRD MOTION FOR EXTENSION OF TIME

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Appellant.

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 8, 2000.

2. That on or about December 7, 2000, the undersigned counsel's office contacted the Deputy Clerk in charge of appeals in the Jefferson County District Court.

3. That the Deputy Clerk informed the undersigned counsel's office that the record on appeal was mailed on December 4, 2000.

4. That on or about December 7, 2000, at approximately 10:30 a.m. the undersigned counsel's office contacted the Court of Appeals and was told that the record has not been received and recorded as of that time.

5. That as a precaution the undersigned counsel would like to request an extension up to and including December 15, 2000.

6. That cause exists to extend the time for filing the record on appeal in this matter for one week so as to insure the timely transmission of the record on appeal.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 15, 2000.

DATED this 31 day of December, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Appellant

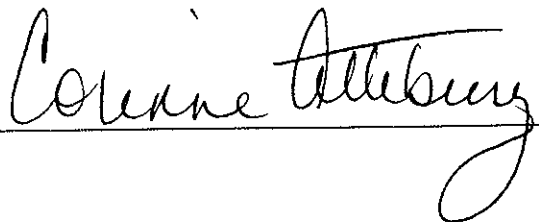
CERTIFICATE OF MAILING

I hereby certify that on the 31 day of November, 2000, a true and correct copy of the above and foregoing **THIRD MOTION FOR EXTENSION OF TIME** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401



Corinne Attebury

file

COURT OF APPEALS, STATE OF COLORADO
Case No. 00 CA 1378

99CR1380
D-1
FILED IN THE
COMBINED COURT
FILED IN THE
COURT OF APPEALS
STATE OF COLORADO
JEFFERSON COUNTY
COLORADO
DEC 1 12 05 PM '00

SECOND MOTION FOR EXTENSION OF TIME

COPIES MAILED TO
COUNSEL OF RECORD
Tri. Ct. Judge - Tri. Ct. Clerk
AND *Court Reporter*
PHILIP J. DURAN, ON *12-4-00*
BY *ACB*

GRANTED - *12-04 11 28 2000*
RECEIVED
Clerk Court
Jefferson County
DEC 11 2000
Record on appeal
is due
12-08-2000
Appellant.
By the Court
pb/sa

lv

The Appellee, ~~COLORADO COURT OF APPEALS~~, J. Matthew DePetro, pursuant to the Colorado Appellate Rules, moves this Honorable Colorado Court of Appeals for an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 1, 2000..
2. That on or about November 28, 2000, the undersigned counsel's office contacted the Deputy Clerk in charge of appeals in the Jefferson County District Court.
3. That Deputy Clerk informed the undersigned counsel's office that the record on appeal was ready for transmission to the Court of Appeals, except for the transcript.
4. That the undersigned counsel made repeated attempts to contact the court reporter assigned to transcribing the hearing in this matter during the week of November 27, 2000, and was able to finally reach the court reporter on November 30, 2000.
5. That the court reporter stated that the transcript was complete, and that the same would be delivered to the Deputy Clerk in charge of appeals some time on December 1, 2000.
6. That undersigned counsel is concerned about the Deputy Clerk in charge of appeals ability to deliver and file the record in this matter on December 1, 2000.
7. That undersigned counsel has a very difficult time communicating with the Deputy Clerk about the appeal, and does not

DOCKETED

☐ Small Claims ☐ County Court ☐ District Court
☐ Probate Court ☐ Juvenile Court
Jefferson County, State of Colorado
Court Address: 100 JEFFERSON COUNTY PARKWAY
GOLDEN, CO 80401

PEOPLE OF THE STATE OF COLORADO
PLAINTIFFS-APPELLEES

VS.

PHILIP JOSEPH DURAN
DEFENDANT-APPELLANT

▲ COURT USE ONLY ▲

Case No: 99CR1580

Div: 1

Court of Appeals
Case No: **00CA1378**

RECEIPT

On this day, I hereby acknowledge receipt from the Clerk of the Combined Courts of Jefferson County, State of Colorado, the Record on Appeal in the above captioned case,

Consisting of:

ONE: VOLUME(S) OF COPIES OF COURT DOCUMENTS

ONE: VOLUME(S) OF COURT REPORTERS TRANSCRIPTS

ONE: VOLUME RE: VICTIM

ONE: ENVELOPE OF PRE-SENTENCE REPORTS

Received this _____ day of _____, 2000

Received by: _____

COURT OF APPEALS STAMP

FILED IN THE
COMBINED COURT
DEC 18 2000
JEFFERSON COUNTY
COLORADO
DEC 18 2000
Clerk, Court of Appeals

FILED IN THE
COURT OF APPEALS
STATE OF COLORADO
DEC 15 2000
Clerk, Court of Appeals

DOCKETED

99CR1580
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COURT OF APPEALS, STATE OF COLORADO
Case No. 00 CA 1378

RECEIVED
District Court
Jefferson County

DEC 11 2000

THIRD MOTION FOR EXTENSION OF TIME

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Appellant.

Division 1
Enter
File

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 8, 2000.

2. That on or about December 7, 2000, the undersigned counsel's office contacted the Deputy Clerk in charge of appeals in the Jefferson County District Court.

3. That the Deputy Clerk informed the undersigned counsel's office that the record on appeal was mailed on December 4, 2000.

4. That on or about December 7, 2000, at approximately 10:30 a.m. the undersigned counsel's office contacted the Court of Appeals and was told that the record has not been received and recorded as of that time.

5. That as a precaution the undersigned counsel would like to request an extension up to and including December 15, 2000.

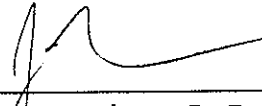
6. That cause exists to extend the time for filing the record on appeal in this matter for one week so as to insure the timely transmission of the record on appeal.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 15, 2000.

DOCKETED

DATED this 24 day of December, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Appellant

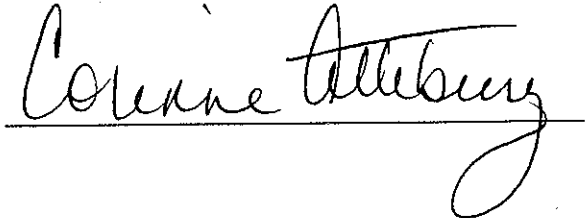
CERTIFICATE OF MAILING

I hereby certify that on the 24 day of November, 2000, a true and correct copy of the above and foregoing **THIRD MOTION FOR EXTENSION OF TIME** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401



Corinne Attebury

DEC 05 2000

SECOND MOTION FOR EXTENSION OF TIME

Division 1

Enter

File

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Appellant.

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 1, 2000..

2. That on or about November 28, 2000, the undersigned counsel's office contacted the Deputy Clerk in charge of appeals in the Jefferson County District Court.

3. That Deputy Clerk informed the undersigned counsel's office that the record on appeal was ready for transmission to the Court of Appeals, except for the transcript.

4. That the undersigned counsel made repeated attempts to contact the court reporter assigned to transcribing the hearing in this matter during the week of November 27, 2000, and was able to finally reach the court reporter on November 30, 2000.

5. That the court reporter stated that the transcript was complete, and that the same would be delivered to the Deputy Clerk in charge of appeals some time on December 1, 2000.

6. That undersigned counsel is concerned about the Deputy Clerk in charge of appeals ability to deliver and file the record in this matter on December 1, 2000.

7. That undersigned counsel has a very difficult time communicating with the Deputy Clerk about the appeal, and does not

DOCKETED

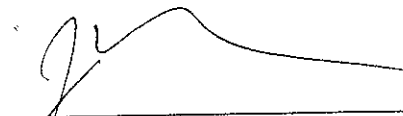
want to miss the deadline imposed for filing the record with this Court.

8. That cause exists to extend the time for filing the record on appeal in this matter for one week so as to insure the timely transmission of the record on appeal.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 8, 2000.

DATED this 1st day of December, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Appellant

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of ~~November~~ ^{December}, 2000, a true and correct copy of the above and foregoing **SECOND MOTION FOR EXTENSION OF TIME** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Corinne Attebery

99CR1580-1

COURT OF APPEALS, STATE OF COLORADO
Case No. 00 CA 1378

SECOND MOTION FOR EXTENSION OF TIME

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

RECEIVED
District Court
Jefferson County

Appellant.

DEC 05 2000

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That the record on appeal in this matter is due December 1, 2000..

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DOCKETED

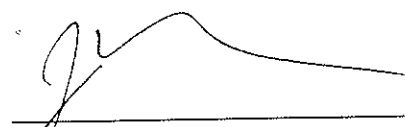
want to miss the deadline imposed for filing the record with this Court.

8. That cause exists to extend the time for filing the record on appeal in this matter for one week so as to insure the timely transmission of the record on appeal.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 8, 2000.

DATED this 1st day of December, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Appellant

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of ~~November~~ ^{December}, 2000, a true and correct copy of the above and foregoing **SECOND MOTION FOR EXTENSION OF TIME** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Corinne Attiberry

☐ Small Claims ☐ County Court ☒ District Court ☐ Probate Court ☐ Juvenile Court Jefferson County, State of Colorado Court Address: 100 JEFFERSON COUNTY PARKWAY GOLDEN, CO 80401	▲ COURT USE ONLY ▲ Case No: 99CR1580 Div: 1 Court of Appeals Case No: 00CA1378
PEOPLE OF THE STATE OF COLORADO PLAINTIFFS-APPELLEES VS. PHILIP JOSEPH DURAN DEFENDANT-APPELLANT AFFIDAVIT	

I certify the record on appeal in this case **00CA1378** prepared on **4TH** day of **December**, 2000, for transmittal to Court of Appeals by U.S. POSTAL SERVICE.

ONE: VOLUME(S) OF COPIES OF COURT DOCUMENTS

ONE: VOLUME(S) OF COURT REPORTERS TRANSCRIPTS

ONE: VOLUME RE: VICTIM

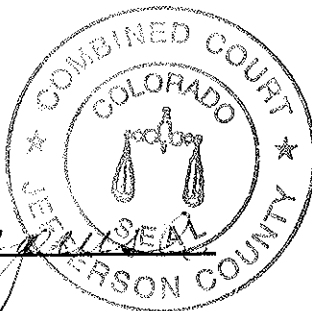
ONE: ENVELOPE OF PRE-SENTENCE REPORTS

Dated this 4TH day of DECEMBER, 2000

Clerk of the Combined Courts

(seal)

By: *Melinda R. [Signature]*
 Deputy Clerk



DOCKETED
MAG

99CK1580-1

cc: to cf
Reporter
Jesse Div 1
mg

MOTION FOR EXTENSION OF TIME

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

RECEIVED
District Court
Jefferson County

NOV 02 2000

Division 1 Appellant.

The Appellant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to Rule 11(d) of the Colorado Appellate Rules, moves this Honorable Court to issue an order enlarging the time in which the Appellant has to submit the record in this action, and in support thereof states:

1. That on or about August 3, 2000, the Defendant filed his Notice of Appeal.

2. That on or about August 10, 2000, the Clerk of the Court of Appeals issued an advisory notice of filing of Notice of Appeal.

3. That pursuant to the aforementioned advisory notice, the record on appeal is due November 1, 2000.

4. That the extension requested herein is based upon the reporter's inability to complete the transcript prior to November 1, 2000.

5. That attached hereto and incorporated herein by reference and marked Exhibit A is the reporter's affidavit.

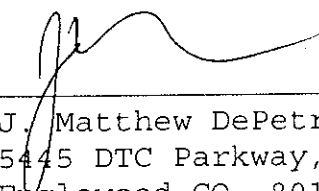
6. That cause exists for there to be an enlargement of time in which to submit the record based upon the attached affidavit.

WHEREFORE, the Appellant prays that this Honorable Court issue an order enlarging the time in which he has to submit the record for appeal in this matter up to and including December 1, 2000.

DOCKETED MAG

DATED this 1st day of November, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Appellant

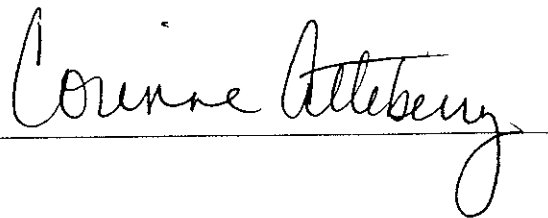
CERTIFICATE OF MAILING

I hereby certify that on the 1st day of November, 2000, a true and correct copy of the above and foregoing **MOTION FOR EXTENSION OF TIME** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401



DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 99 CR 1580

Division 1

REPORTER'S AFFIDAVIT

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

vs.

PHILIP J. DURAN,

Defendant.

I, LESLEY FUJARCZYK, state as follows:

1. I work as a court reporter for the Jefferson County District Court.

2. I worked in the Jefferson County District Court on June 23, 2000, in the above-captioned case and reported the proceedings stenographically on that date.

3. Due to the overwhelming amount of appeal transcripts assigned to myself, I was unable to complete this transcript on the date originally due (November 1, 2000).

4. I would request an additional thirty (30) days in which to file the transcript on appeal, or until December 1, 2000.

5. Adequate financial arrangements have been made for payment of said transcript.

DATED: November 1, 2000.


LESLEY FUJARCZYK

COLORADO COURT OF APPEALS
2 East 14th Avenue, Suite 300
Denver, Colorado 80203
(303) 837-3785

CC
90
Div-1
BO

AUG 14 AM 7:32

ADVISORY NOTICE
of
FILING OF NOTICE OF APPEAL
JEFFERSON COUNTY, CO.

RECEIVED
District Court
Jefferson County

AUG 14 2000

Please be advised that as to:
Case No: 99CR1580 - /
Court or Agency: JEFFERSON COUNTY

an Appeal was filed in the Court of Appeals on:
August 03, 2000

Division 1 _____
Enter _____
FILE

That case has now been designated as:

PEOPLE V DURAN, P
Court of Appeals Case No: 00CA1378

The above Court of Appeals case number must be included on
all future pleadings and the record on appeal.

The record on appeal is due: November 01, 2000
Trial Court Register of Actions is due: August 31, 2000 - 8-14-00

Please note that this notice is merely advisory and in no
way acts as confirmation that this court has jurisdiction or that
the appeal meets jurisdictional requirements.

Date of Notice: August 10, 2000

PATRICK STANFORD
Clerk of the Court

Dianne Lingua
Deputy Court Clerk

COPIES MAILED TO COUNSEL OF RECORD	
Tri. Ct. Judge	T. Ct. Clerk
AND _____	
ON	8.10.00
BY	<u>DL</u>
COLORADO COURT OF APPEALS	

DOCKETED

RECEIVED
District Court
Jefferson County

00 AUG -6 AM 10:29

AUG 07 2000

COMBINED COURT
JEFFERSON COUNTY, CO

Division 1 _____
Enter _____
File _____

Defendant.

PHILIP JOSEPH DURAN-PAGE-055

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of August, 2000, a true and correct copy of the above and foregoing **PETITIONER-APPELLANT'S DESIGNATION OF RECORD** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Leslie Sujarczyk
Court reporter - Div. 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Corinne Attebery

COLORADO COURT OF APPEALS
Case No. _____

cc
To
Leslie
in
Div
B0.

DEFENDANT'S NOTICE OF APPEAL

00 AUG -4 AM 10:43

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

FILED
COMBINED COURT
JEFFERSON COUNTY, CO

I. TRIAL COURT INFORMATION

RECEIVED
District Court
Jefferson County

COURT: District
COUNTY: Jefferson
PARTY INITIATING APPEAL: Philip J. Duran
TRIAL COURT CASE NO.: 99 CR 1580, Division 1
JUDGES' NAME: Honorable Thomas Woodford

AUG 04 2000

II. DESCRIPTION OF NATURE OF CASE AND DISPOSITION IN TRIAL COURT

NATURE OF CASE: The instant action arose out of the filing of a Complaint/Information charging the Defendant with three criminal violations: section 18-12-108.5 C.R.S., (providing a handgun to a minor); section 18-12-102(3), C.R.S., (possessing a dangerous weapon); and section 18-6-701(1) and (2), C.R.S., (contributing to the delinquency of a minor). Pursuant to a plea bargain, the Defendant plead guilty to counts 1 and 2 of the Complaint/Information. The Defendant was sentenced on June 23, 2000.

CHARGES TRIED: There was no trial in this matter.

CHARGES FOR WHICH DEFENDANT WAS CONVICTED: Section 18-12-108.5 C.R.S., and section 18-12-102(3).

DATE JUDGMENT OF CONVICTION WAS ENTERED: June 23, 2000.

DATE SENTENCED WAS IMPOSED: June 23, 2000.

SENTENCE: Count 1 - four and one-half (4 ½) years. Count 2 two and one-half (2 ½) years. The sentences were to run concurrently.

BASIS FOR JURISDICTION: C.A.R. 1 and 4(c).

DOCKETED

III. APPEAL BOND

No appeal bond was sought.

IV. ADVISORY LISTING OF ISSUES

1. Whether the Trial Court erred and abused its discretion in sentencing the Defendant.

IV. TRANSCRIPT INFORMATION

WHETHER A TRANSCRIPT OF EVIDENCE IS NECESSARY: A transcript of the sentencing hearing before the Trial Court is necessary to this appeal. The transcript shall exceed twenty-five pages in length.

NAME OF COURT REPORTER: Leslie Sujarczyk.

APPROXIMATE NUMBER OF PAGES OF TRANSCRIPT: 75 pages.

VI. ATTORNEY INFORMATION

Attorney for Defendant

J. Matthew DePetro, #12770
5445 DTC Parkway, Ste. 850
Englewood CO 80111

Attorney for People

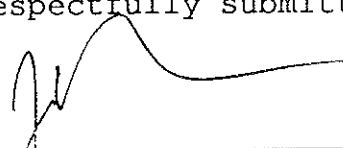
Steven L. Jensen, #14141
George H. Brauchler, #25910
500 Jefferson County Pkwy.
Golden CO 80401-6020

VII. APPENDICES TO THIS NOTICE OF APPEAL

Attached to this Notice of Appeal are copies of the Mittimus.

DATED this 3rd day of August, 2000.

Respectfully submitted,



J. Matthew DePetro, #12770
5445 DTC Parkway Ste. 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of August, 2000, a true and correct copy of the above and foregoing **DEFENDANT'S NOTICE OF APPEAL** (with attachments) was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
George Brauchler
Deputy District Attorneys
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Hon. Thomas Woodford
Division 1
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Clerk of Court
Jefferson County District Court
100 Jefferson County Pkwy.
Golden CO 80401

Corinne Attribery

RECEIVED
District Court
Jefferson County

Combined Court, Jefferson County, State of Colorado
Case #: 1999 CR 1580 Div/Room: 1

JUDGMENT OF CONVICTION, SENTENCE Original

The People of Colorado vs DURAN, PHILIP JOSEPH
DOB 11/28/1976

Division 1

Enter

File

The Defendant was sentenced on: 6/23/2000

People represented by...: STEVE JENSEN/GEORGE BRAUCHLER

Defendant represented by: MATT DEPETRO

UPON DEFENDANT'S CONVICTION this date of: 5/08/2000

The defendant pled guilty to:

Count # 1 Charge: PROVIDE/PERMIT JUV TO POSS HANDGUN

C.R.S # 18-12-108.7

Class: F4

Date of offense(s): 1/23/1999 to 3/01/1999 Date of plea(s): 5/08/2000

Count # 2 Charge: POSSESS DANGEROUS WEAPON

C.R.S # 18-12-102(3)

Class: F5

Date of offense(s): 1/23/1999 to 3/01/1999 Date of plea(s): 5/08/2000

IT IS THE JUDGMENT/SENTENCE OF THIS COURT that the defendant be sentenced to
COLO DEPT OF CORRECTIONS FOR 4.00 YEARS 6.00 MONTHS COUNT 1
COLO DEPT OF CORRECTIONS FOR 2.00 YEARS 6.00 MONTHS COUNT 2
CONCURRENT WITH COUNT 1 CASE NUMBER: 1999CR 1580 Jefferson County
plus a mandatory period of parole as required by statute.
The Court has NO recommendation as to the Regimented Inmate Training Program

The Defendant shall also pay the following costs:

	Assessed		Balance
\$	305.00	\$	305.00

THEREFORE, IT IS ORDERED the Sheriff of Jefferson County shall convey the
DEFENDANT to the following department TO BE RECEIVED AND KEPT ACCORDING TO LAW
COLORADO STATE DEPARTMENT OF CORRECTIONS DIAGNOSTIC CENTER

ADDITIONAL REQUIREMENTS

Commit no violations of law except traffic infractions for the term of
defendant's sentence

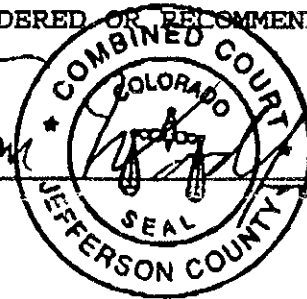
Defendant shall refrain from consuming illegal drugs and/or alcohol for the
period of his/her sentence.

JUDGMENT OF CONVICTION IS NOW ENTERED, IT IS FURTHER ORDERED OR RECOMMENDED:
NO CREDIT FOR TIME (NON-SERVED).

/AKN

DATE 6-23-2000 NPT

JUDGE
TOM WOODFORD



CERTIFICATE OF SHERIFF

I CERTIFY THAT I EXECUTED THIS ORDER AS DIRECTED

DATE

SHERIFF

BY DEPUTY

DOCKETED

RECEIVED
District Court
Jefferson County**DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO**
DIVISION A**Case No. 99 CR 1580**Division 1 _____
Enter _____
File _____**REQUEST FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT**

People of the State of Colorado,

Plaintiff,

vs.

Phillip Duran,

Defendant.

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the Sentencing of this defendant to be held on June 23, 2000 at 1:30 pm.

This EMC request is coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(e).

ORDER

APPROVED AND ORDERED


TOM WOODFORD
JUDGE

DATE: 5/25/00

RECEIVED
District Court
Jefferson County

MAY 25 2000

Division 1 _____
Enter _____
File _____

DOCKETED

Combined Court, Jefferson County, State of Colorado

Case #: 1999 CR 1580 Div/Room: 1

JUDGMENT OF CONVICTION, SENTENCE Original

RECEIVED
District Court
Jefferson County

The People of Colorado vs DURAN, PHILIP JOSEPH
DOB 11/28/1976

Division 1

Enter

File

The Defendant was sentenced on: 6/23/2000

People represented by...: STEVE JENSEN/GEORGE BRAUCHLER

Defendant represented by: MATT DEPETRO

UPON DEFENDANT'S CONVICTION this date of: 5/08/2000

The defendant pled guilty to:

Count # 1 Charge: PROVIDE/PERMIT JUV TO POSS HANDGUN

C.R.S # 18-12-108.7 Class: F4

Date of offense(s): 1/23/1999 to 3/01/1999 Date of plea(s): 5/08/2000

Count # 2 Charge: POSSESS DANGEROUS WEAPON

C.R.S # 18-12-102(3) Class: F5

Date of offense(s): 1/23/1999 to 3/01/1999 Date of plea(s): 5/08/2000

IT IS THE JUDGMENT/SENTENCE OF THIS COURT that the defendant be sentenced to

COLO DEPT OF CORRECTIONS FOR 4.00 YEARS 6.00 MONTHS COUNT 1

COLO DEPT OF CORRECTIONS FOR 2.00 YEARS 6.00 MONTHS COUNT 2

CONCURRENT WITH COUNT 1 CASE NUMBER: 1999CR 1580 Jefferson County

plus a mandatory period of parole as required by statute.

The Court has NO recommendation as to the Regimented Inmate Training Program

The Defendant shall also pay the following costs:

	Assessed		Balance
\$	305.00	\$	305.00

THEREFORE, IT IS ORDERED the Sheriff of Jefferson County shall convey the
DEFENDANT to the following department TO BE RECEIVED AND KEPT ACCORDING TO LAW
COLORADO STATE DEPARTMENT OF CORRECTIONS DIAGNOSTIC CENTER

ADDITIONAL REQUIREMENTS

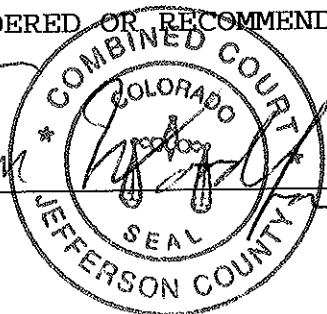
Commit no violations of law except traffic infractions for the term of
defendant's sentence

Defendant shall refrain from consuming illegal drugs and/or alcohol for the
period of his/her sentence.

JUDGMENT OF CONVICTION IS NOW ENTERED, IT IS FURTHER ORDERED OR RECOMMENDED:
NO CREDIT FOR TIME (NON-SERVED). /AKN

DATE 6-23-2000 NPT

JUDGE
TOM WOODFORD



CERTIFICATE OF SHERIFF

I CERTIFY THAT I EXECUTED THIS ORDER AS DIRECTED

DATE

SHERIFF

BY DEPUTY

DOCKETED

THE DENVER POST

1560 Broadway
Denver, CO 80202
(303) 820-1010
www.denverpost.com

June 22, 2000

RECEIVED
District Court
Jefferson County

JUN 22 2000

Judge Thomas Woodford
Jefferson County District Court
Division 1
100 Jefferson County Parkway
Golden, Co. 80401

Division 1 _____
Enter _____
File _____

Judge Woodford:

Please consider this request by The Denver Post for expanded media coverage of the Friday, June 23, 2000, sentencing hearing in case No. 99-CR1580, People v. Philip Joseph Duran.

The Post would like to have one of its photographers in the courtroom along with reporter Howard Pankratz. The photographer will be using a still camera.

If there is any additional information I can provide, please let me know.

Sincerely,



Evan Dreyer
City Editor
The Denver Post
303-820-1829

cc: Steven Jensen
Matt DePetro

DOCKETED

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 99CR1580 Division 1

People

v.

PHILIP JOSEPH DURAN,

DEFENDANT.

THE COURT, having reviewed the Request for Expanded Media Coverage filed by The Denver Post Corporation to permit Expanded Media Coverage of the sentencing hearing on Friday, June 23, 2000 at 1:30 p.m., and having considered any objections thereto from the People and/or the Defendant, and being fully advised in its premises, hereby finds and ORDERS as follows:

The request for Expanded Media Coverage is hereby GRANTED.

A single still camera photographer from The Denver Post may be present in the courtroom and conduct himself or herself in accordance with Colorado's Code of Judicial Conduct Canon 3.A.(8)(e)(I)(cc). Furthermore, The Denver Post shall be responsible for arranging an open and impartial distribution scheme for pooling its expanded media coverage, as specified in Canon 3.A.(8)(II).

DONE AND ORDERED this____Day of June, 2000.

BY THE COURT

DISTRICT COURT JUDGE

CERTIFICATE OF FILING

I hereby certify that I have on this 22nd day of June 2000, sent a true and correct copy of the foregoing REQUEST via fax to the following:

Steven Jensen, Jefferson County District Attorney's Office, 500 Jefferson County Parkway, Golden;

Matt DePetro, 5445 DTC parkway, Suite 850, Englewood, Co.

Howard Pankratz

Denver Post Reporter

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No.99 CR 1580, Division 1

ORDER

PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

PHILIP JOSEPH DURAN,

Defendant,

RECEIVED
District Court
Jefferson County

JUN 22 2000

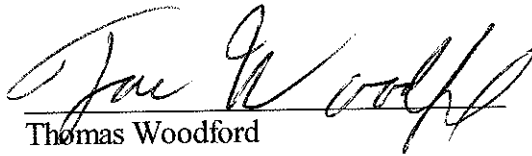
Division 1 _____
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File _____

THE COURT, having considered and reviewed the Request for Expanded Media Coverage filed by The Rocky Mountain News on June 21, 2000 HEREBY ORDERS:

The request for Expanded Media Coverage is hereby GRANTED. A single still photographer from The Rocky Mountain News may be present in the courtroom and shall conduct himself or herself in a manner consistent with Colorado's Code of Judicial Conduct Canon 3.A.(8)(e)(I)(cc). Furthermore, The Rocky Mountain News shall be responsible for arranging an open and impartial distribution scheme for pooling its coverage, as specified in Canon 3.A.(8)(II).

SO ORDERED this 22 day of June, 2000.

BY THE COURT:


Thomas Woodford
Chief District Court Judge

DOCKETED

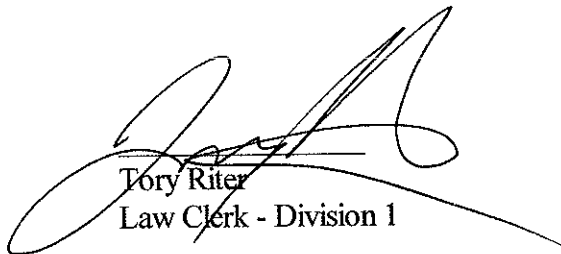
CERTIFICATE OF FAXING

I hereby certify that I have on this 22nd day of June, 2000, faxed a true and correct copy of the foregoing **ORDER** addressed to the following:

Matt Depetro
5445 DTC Parkway
Suite 850
Englewood CO
Fax Number (303)796-2915

George Brauchler
Jefferson County District Attorney's Office
500 Jefferson County Parkway
Golden, CO
Fax Number (303)271-6888

Chris Cubbison
Projects Editor
Rocky Mountain News
400 West Colfax Avenue
Denver, CO 80204
Fax Number (303)892-2841
(303)892-5017


Tory Riter
Law Clerk - Division 1

** Transmit Conf. Report **

P.1

Jun 22 2000 13:01

Telephone Number	Mode	Start	Time	Pages	Result	Note
93037962915	NORMAL	22,12:58	0'21"	2	# O K	BRDCAST

Telephone Number	Mode	Start	Time	Pages	Result	Note
93032716888	NORMAL	22,12:59	0'21"	2	# O K	BRDCAST

T.1.1	Check condition of remote fax.	93038925017
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Chief District Court Judge

Thomas Woodford

BY THE COURT:

SO ORDERED this 22 day of June, 2000.

The request for Expanded Media Coverage is hereby GRANTED. A single still photographer from The Rocky Mountain News may be present in the courtroom and shall conduct himself or herself in a manner consistent with Colorado's Code of Judicial Conduct Canon 3.A.(8)(e)(I)(cc). Furthermore, The Rocky Mountain News shall be responsible for arranging an open and impartial distribution scheme for pooling its coverage, as specified in Canon 3.A.(8)(II).

THE COURT, having considered and reviewed the Request for Expanded Media Coverage filed by The Rocky Mountain News on June 21, 2000 HEREBY ORDERS:

GET COLUMBINE DOCUMENTS: WWW.RESEARCHCOLUMBINE.COM

** Transmit Conf. Report **

P.1

Jun 22 2000 13:04

Telephone Number	Mode	Start	Time	Pages	Result	Note
93038922841	NORMAL	22,13:03	0'40"	2	* O K	

Thomas Woodford
Chief District Court Judge

BY THE COURT:

SO ORDERED this 22 day of June, 2000.

THE COURT, having considered and reviewed the Request for Expanded Media Coverage filed by The Rocky Mountain News on June 21, 2000 HEREBY ORDERS:

The request for Expanded Media Coverage is hereby GRANTED. A single still photographer from The Rocky Mountain News may be present in the courtroom and shall conduct himself or herself in a manner consistent with Colorado's Code of Judicial Conduct Canon 3.A.(8)(c)(cc). Furthermore, The Rocky Mountain News shall be responsible for arranging an open and impartial distribution scheme for pooling its coverage, as specified in Canon 3.A.(8)(III).

Defendant,

PHILIP JOSEPH DURAN,

v.

Plaintiff,

PHILIP JOSEPH DURAN-PAGE-069

RECEIVED
District Court
Jefferson County
171 CR 1580

JUN 22 2000

To the Honorable Judge Woodford,

This letter constitutes that which I would have liked to read in open court on Friday, June 23rd.

Division 1
Enter
File

To the families and friends of those wounded and of those slain, I offer my wholehearted sympathy and respect. No one in their right mind would trade their problems or life's grief with yours. And no one wants to deny you, neither in heaven, nor on earth, your hearts desire for justice and healing. I cannot, even to this day, comprehend what you have been through, nor what you must feel. I am deeply sorry, and regret my inability to provide you something, anything to ease your excruciating pain. And worse, probably because of my mere association with the defendant, Phil Duran, my son-in-law, you may feel a distinct sense of distaste for me personally. I fear because of that, you will likely discard as trash, the meaning of the words that I wish to share with you today.

I come before you plainly to plead, even to beg for mercy and forgiveness on behalf of Phil. Many have thwarted your efforts to get to the truth, to get to the bottom of this hideous matter. Phil owned to his part, he has confessed to it, and is deeply pained to having been duped by Eric Harris and Dylan Klebold. Those who had reason and evidence to suspect malice beforehand, have not come forth to tell the truth. Of the cast of characters involved, of all the considerations that have flooded our collective minds, to bring us closer to understanding what could have been done to prevent this tragedy from happening, we have only the confessions of two young men, for having made accessible a pistol, used on that day of unbridled evil. Speaking by way of support of Phil, since many have purported that, were it not for the availability of that pistol, many of those cut down in the prime of their youth, would be alive today, I say that if one has murderous intent in their heart, a stone the size of my fist would accomplish the same objective. What tool is used is secondary to the condition of the heart, and the lack of self control.

Nevertheless, if I support your rightful desire for justice on this day of sentencing of Phil Duran, what am I doing here? Why would I have the apparent audacity to even attempt to stand in your way? Because it is my heart's desire that for you, and for the entire community, of which I am a part, to actively promote true healing, and not to provide an opportunity for hatred, malice, wrath, the origins of evil itself, to have a stranglehold on our lives one moment longer! That same evil begins in our hearts, and none of us are exempt from it. Each of us has experienced being the object of another's contempt or anger at one time or another, whether minor or unbearable. And each one of us has felt and displayed it toward another, whether we feel justified or not. It is contagious, and in the hearts of some, allowed to build up and spill out in the most unpredictable ways. It has always been that

DOCKETED

way, and is regarded as a part of our human nature, however deplorable.

What is in our power to overcome, to offset this downside of us? It is the power, our God given choice, to forgive. I do not know who among you has respect of this choice. I am not here to preach a sermon, but I seriously doubt that any in this courtroom does not know the essence of what has come to be known as the Lord's Prayer. In it, there is only one thing that we are called upon to do, beyond acknowledge that the Lord is God. That one thing we are given the choice to do, is to forgive others their offences! And if we choose not to, our offences will not be forgiven. Please consider your own needs and the needs of the community at large; what message you want to send to your children, and their children? How do we want the world to be a better place to live in? What can we do to walk into the future with real peace, real joy restored? It can happen. You have that power. And by that action, you can release the terrible burden of judging severely, that now rests squarely on the shoulders of this judge, in order to render a fair sentence, one that incorporates the spirit, as well as the letter of the law. Please allow him to sense your desire for mercy on Phil's behalf. There is a time to put aside anger, and the equivalent of stones that are in hearts and hands, that do yet further harm. There is a time to heal. Will you allow it to come today?

Thank you for listening.

Sincerely,

A handwritten signature in black ink, appearing to read "John Applegate", written in a cursive style.

John Applegate

Rocky Mountain News

June 21, 2000

Judge Thomas Woodford
Division 9
Jefferson County

RECEIVED
District Court
Jefferson County

JUN 21 2000

Division 1 _____
Enter _____
File _____

Dear Judge Woodford:

Pursuant to Canon 3A (8) of the Code of Judicial Conduct, the *Denver Rocky Mountain News* requests permission to place a still camera in your courtroom for the sentencing of Philip Duran in case number 99CR1580 at 1:15 p.m. Friday, June 23.

This letter serves as an official request for our photographer to be admitted to the courtroom. The *News* will cooperate in whatever arrangement is designated by the court. We pledge to abide by all rules set by the court in connection with our photography.

The *News* states that its photographers are familiar with the guidelines of Canon 3A (8) and will cooperate with the court in insuring minimal disruption to orderly proceedings of the trial.

We will gladly serve as the print photo pool in this matter.

Respectfully submitted,



Chris Cubbison
Projects Editor

DOCKETED



Julia Duran
5663 W. Alder Ave.
Littleton CO 80128

RECEIVED
District Court
Jefferson County

JUN 21 2000

June 19, 2000

Division 1 _____
Enter _____
File _____

Your Honor,

First of all I wanted to express how difficult it is for me to write this letter. All month I have been trying to come up with the words to write in my brother's defence. I prayed every night to ask God to speak through me. Many times I felt myself fall to anger over all of this. I felt like I shouldn't have to stand in a room full of people and tell them to point their fingers the other way. I thought if the public could pass judgment on one aspect of Phil's life then I should share as much as I could about the rest of his life. I wanted to introduce Phil Duran to everyone on a personal level.

Phil Duran is my older brother. I have always looked up to him for advice, friendship, and love. Phil has always been a role model for my friends and myself. He used to give my friends and I a ride home from school before we could drive. He took us to concerts, the movies, and the mall. He played the role of an older brother to a lot of people I knew. My brother has a very generous heart. He has helped a lot of my friends, and myself with problems that we have encountered throughout life. His opinion influenced me when I was younger and I still value it to this day.

Phil Duran is also a son, a grandson, a nephew, a godchild, a cousin, and a brother-in-law to a family that loves and supports him. God has definitely blessed our family with such a unique and gifted individual. The many contributions that he has made to our family have always been admirable. His life is full of strength and integrity.

DOCKETED

I have lived through both sides of this "tragedy". On the one side I see my brother used as a scapegoat. On the other side I am also a victim because, my younger brother and I were both at the school on April 20, 1999. I went in to take a test that day. I remember looking at my watch; it was just past eleven. When I started on the third page of the test I noticed some commotion going on in the hallway. I was a couple doors down from the security office and the athletics coach ran towards there. The coach was on a walkie-talkie, radioing in that there was a gun downstairs.

No more than a couple seconds after I saw the coach, there were students and teachers running by. I heard someone screaming to get down on the floor. Immediately I dropped on my hands and knees below the desk. I didn't know if the person yelling was the gunman or not. The desk was open at the front so I could still look up through the window in the door. I heard another person yell, "Keep running!" I was paralyzed beneath the desk. Finally, I lifted myself from the ground and ran out the door.

I ran out of a set of doors that were facing Clement Park. I was exchanging words with other terrified kids running in the same direction. They were describing the gunmen to me. I could see my car parked towards the end of the lot. I pulled my keys from my pocket and asked a group of boys if they needed a ride home. One of them came with me. We drove through the neighborhoods and asked all the groups of kids walking if they were all right. I dropped the boy off at his house and went to my house.

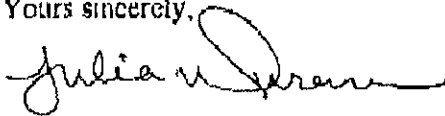
My younger brother and his friends were there. They told me how they were driving away from the school and kids were running across the street towards the park.. Simon told me that they were in the cafeteria buying sodas and he remembered that he had my dad's car. So he and his friends decided to leave. Otherwise, they usually ate lunch in the cafeteria.

I proceeded to call all of my friends. One of Simon's friends called our house looking for his twin brother. As we watched the news they began to release kids trapped in the school. That was when they found his missing friend. Later, they released the names of the kids killed. They announced Lauren Townsend's name, who I remembered going to school with since fifth grade. She was on my soccer team for two years and we hung out together in elementary school and junior high. Next, they said Dan Rorbough. My good friend's little brother was best friends with Dan. I remember seeing him over at their house after school. My friend and I would banter with the boys about washing our cars. Isaiah Shoels lived around the corner from us. My little brother was friends with him and brought his parents flowers the next day. Mr. Saunders was my computer teacher. Next, they announced the names of the kids that were hurt. I know a lot of them. Some of them were friends.

I remember during the memorial service looking up at my brother, and seeing tears coming from his eyes and the sting of them from mine, I realized how much he hurt for the victims.

No matter what happens, this will always be my brother, Phil Duran.

Yours sincerely,



Julia Duran

RECEIVED
District Court
Jefferson County

Page 1 of 2

99CR1580

Duran

JUN 20 2000

Mrs. Judy Threlkeld
17 Arabian Pl.
Littleton, CO 80123

Division 1 _____
Enter _____
File _____

June 6, 2000

The Honorable Judge
Jefferson County, CO

This letter is in regard to the Phillip Duran case coming before you on June 23, 2000. I am writing to you with the hope that when this young man stands before you, with his life in your hands, you will have considered the following:

The people responsible for the tragic deaths and injuries at Columbine High School on April 20, 1999, are dead.

Phillip Duran is not responsible for the tragedy. His responsibility ends with the mistake he made in shooting an illegal weapon during target practice. But he is not guilty of murder and should not be sentenced as if he is.

He did introduce Harris and Klebold to Mark Manes, with the intent of helping his friend sell a gun he no longer wanted. How could either Phillip or Mark have known the ages of Klebold and Harris? The killers lied and Phillip and Mark believed them. How many times in each of our lives have we been conned in some way by some one? The psychiatrists who examined Harris and Klebold were certainly conned and they're trained professionals.

If a simple act such as an introduction becomes a link in a chain of events that ends in such an horrific tragedy, it is not logical, ethical, or fair to go back through the chain to place blame on an innocent circumstantial link. Certainly, there are many links in this chain, from the Jeffco Sheriff's Dept. receiving reports of Harris' threats against Brooks Brown, to Robin Anderson purchasing weapons with the sole intent to turn them over to a minor. I am afraid that Phillip Duran is being used as a scapegoat, just as Mark Manes has been. These are two young lives that don't deserve to be ruined, not to mention the ripple effect it has in causing great pain to so many others: mothers, fathers, sisters, brothers, a new wife, and friends.

We have got to stop and think about the injustice of placing blame on such a link so far from the tragic end of this chain of events. Do we imprison the car salesman who sells a car to a murderer (unknownst to him) who goes out and kidnaps a child in that car? Of course not. Do we imprison the owner of the bar where someone drinks too heavily and then drives, causing death to others? Of course not. Nor do we imprison the grandparent who raised the parent who abused the child, resulting in death.

There has been enough pain. Let it stop here and now. How can it be justice to incarcerate Phillip or Mark?

DOCKETED

I know you have a very difficult job and I know that a few of the victim's families feel justice will be served if Phillip and Mark are in prison. But they are thinking through incomprehensible pain. It is your job to think objectively – which I know I don't need to tell you about. I'm sure you are very conscientious and that you do your best to make fair judgements.

All I can do is hope that the prayers of so many will be answered and that God will guide you in your decision.

Thank you for giving this letter your time and consideration.

Sincerely,

Judy Threlkeld

Judy Threlkeld

Parent of two Columbine students on April 20, 1999

By signing below, the following people attest to their support of this letter:

NAME

ADDRESS

PHONE

CHS Junior *Mr Threlkeld* 17 Arabian Place (303) 938-1231

CHS Junior *Mark Vay* ~~48~~ (720) 922-1284

Jeremy Brance 2242 S. SUFFOLK ST (970) 224-0506

Annette Moffett 9143 W. 75th Cir (303) 420-6220

Josephine M. Payne 920 So. Bryant 303 935-3320

Kenneth H. Payne 920 SO. BRYANT 303 935-3320

Rita D. Moffett 9143 W. 75th (R) 303 420-6220



TECHNOLOGY
MANAGEMENT
& STAFFING

June 12, 2000

To Whom It May Concern:

RE: Phil Duran

RECEIVED
District Court
Jefferson County

JUN 2 2000

Division 1 _____
Enter _____
File _____

Phil Duran has been a full time employee with Alternative Resources Corporation since January 25, 2000. During this time he has been working on-site at our IBM client. His work has been of the utmost highest degree. His contributions have been noted as being exceptional by our IBM client especially during the Melissa Virus. His current position is a Help Desk Technician working the midnight shift. In this position he took it upon himself to warn the end users of the Melissa Virus thus saving large accounts many down time dollars.

If you have any questions or concerns please do not hesitate to call.

Sincerely

Linda McMillen
Client Staffing Manager
ARC..Alternative Resources Corp.
970-223-1478

DOCKETED

JUN 19 2000 June 14, 2000

Duran

Honorable Thomas Woodford:

Division 1 _____
Enter _____
File _____

My name is Lori Allen. I graduated from Columbine High school, class of 1999. I am writing this letter on behalf of Philip Duran. I believe, that in no way, was Philip aware of how the weapons were to be used by Eric and Dylan. In my opinion, the people responsible for the Columbine shootings are both dead. The way that Philip Duran is being used as a scapegoat, sickens me. I always thought America granted a person the right to a fair trial, that one was innocent until proven guilty. The older I get, the more I realize, that is a story or a fable taught to children, but could never be true. Why you ask, could this never be true, because people need someone to blame in the flesh. Webster's Dictionary defines revenge as; inflicting pain or injury in return for pain or injury received. The victims of this horrific tragedy want to feel some type of remorse for their losses. Perhaps by putting Philip away they feel satisfied that the bad guy was captured. Well, here's the truth from my mouth. Ridicule my opinion if you must, but once again we are in America and I have the right as a citizen to freedom of speech-it is my hopes that this right has not been abolished as well. The truth is that the bad guy is not always caught. In fact, often, the bad guy gets away. In this case both bad guys (Eric and Dylan) got away and I feel their fate is in God's hands.

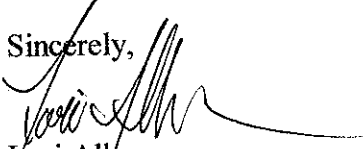
I realize that Philip's involvement in the selling of the guns was illegal, but I ask you please to let the punishment fit the crime. Philip Duran is not responsible for the Columbine tragedy.

My letter is short, but I hope that it has some impact on the decision that you will have to make. I will end with this-- Both Julia and Simon Duran were in the school on April 20, 1999. The Duran's are victims of the Columbine tragedy. They have dealt with their own children being in the school and the loss of friends. Over the past year what this family has had to go through, like many family's in this community has been nothing short of the ninth circle of hell. The Duran's have showed nothing but grace under fire. They have been humble and stable throughout this entire fiasco. At a time, when everyone seems to be pointing their fingers at each other, or suing this person or that organization, bloodthirsty and money hungry for revenge, the Durans have displayed that revenge does not heal the wounds, but forgiveness does. As countless people see what the surface holds, the Duran's have seen beyond the surface, they have seen the truth.

May God bless you with eyes that spy, the only plaid, in a sea of gray pinstripes.

Thank You.

Sincerely,


Lori Allen

Class of 1999

Columbine High School

DOCKETED

6-23-2000

POSTRECEIVED
District Court
Jefferson CountyDISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO
DIVISION A

Case No. 99 CR 1580

Division 1 _____
Enter _____
File _____REQUEST FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT

People of the State of Colorado,

Plaintiff,

vs.

Phillip Duran,

Defendant.

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the Sentencing of this defendant to be held on June 23, 2000 at 1:30 pm.

This EMC request is coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(e).

ORDER

APPROVED AND ORDERED


TOM WOODFORD
JUDGE

DATE: 5/25/00

RECEIVED
District Court
Jefferson County

MAY 25 2000

Division 1 _____
Enter _____
File _____

DOCKETED

RECEIVED
District Court
Jefferson CountyDISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO
DIVISION A

Case No. 99 CR 1580

Division 1 _____
Enter _____
File _____

REQUEST FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT

People of the State of Colorado,

Plaintiff,

vs.

Phillip Duran,

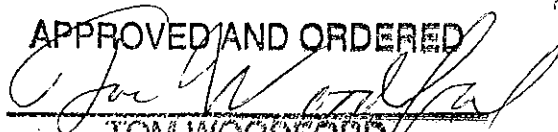
Defendant.

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the Sentencing of this defendant to be held on June 23, 2000 at 1:30 pm.

This EMC request is coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(e).

ORDER

APPROVED AND ORDERED


TOM WOODFORD
JUDGE

DATE: 5/25/00

RECEIVED
District Court
Jefferson County

MAY 25 2000

Division 1 _____
Enter _____
File _____

DOCKETED

Pooling Arrangements. A pooling arrangement has been entered into among television stations KWGN-TV (Channel 2), KCNC-TV (Channel 4), KMGH-TV (Channel 7), KUSA-TV (Channel 9) and KOA Radio (850). The designated media representative for the proceedings shall be Taylor Cleveland, Newsperson for Denver TV. The telephone number is 303 830-6464. The representative shall arrange and be responsible for the EMC, and shall be responsible for arranging an open and impartial distribution system with a distribution point located outside of the courtroom. The distribution will be made available to the aforementioned television stations, to other television stations, to network television and to radio stations.

Video. Denver TV shall be the only television operator in the courtroom and shall utilize only one television camera at any time. The camera will remain in a single location throughout the arraignment or advisement.

Audio. If the courtroom audio system is not technically feasible for use in EMC, all audio recording shall be done on one audio system installed by Denver TV at Denver TV's expense. This shall be done at a time when installation will not interfere with any court proceedings. All microphones and related wiring shall be installed so that they are unobtrusive and so that they will not interfere with movement of those in the courtroom.

Lighting. After Denver TV has had an opportunity to test the lighting, it will propose changes to the court if such changes are necessary. There shall be no movie lights, flash attachments or sudden lighting changes during the proceedings.

Still Cameras. Denver TV will not use still cameras.

Operating Signal. No visible or audible light or signal shall be used on any equipment.

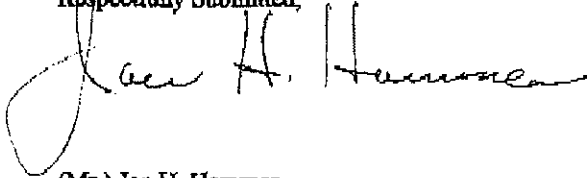
Conduct of Media Representative. The media representative shall conduct himself or herself in a manner consistent with the dignity and decorum of the courtroom. The following practices shall be observed in this regard: All equipment employed to provide EMC shall be positioned and operated so as not to detract from the dignity and decorum of the judicial process and to minimize any distraction. The television camera Denver TV will use is completely silent, and participants and spectators will not be able to determine whether it is operating at any particular time. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment, and personnel shall not wear any clothing bearing any insignia or identification of the individual or network involved. Equipment involved in the EMC shall not be placed in, or removed from, the courtroom except prior to the commencement or after adjournment of the proceedings. Television film magazines and video cassettes or lenses will not be changed inside the courtroom.

If the court desires to discuss any of the legal requirements with an attorney, it may contact:
Richard P. Holme of Davis, Graham, Stubbs, LLP at telephone number: 303 892-7340.

As required by Canon 3A(8)(f)(I), a copy of this request is being provided to each party in this case.

Dated: May 15, 2000

Respectfully Submitted,



(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, Colorado 80202
Phone: (303) 892-0500
Fax: (303) 892-0503

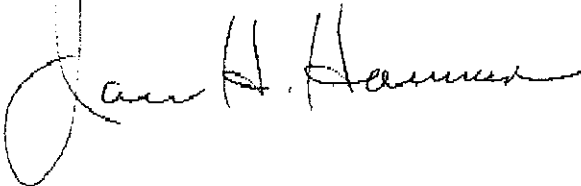
Certificate of Service

This undersigned certifies that on May 15, 2000 a copy of the foregoing
"Request for Expanded Media Coverage" was faxed, pursuant to Rule 49(b) C. R. Crim. P to:

Mr. Matt Depetro, Counsel for defendant at 303 796-2915

Mr. Steve Jensen, Counsel for plaintiff at 303 271-6888

Mr. Richard P. Holme, Counsel for Denver TV/Radio Group at 303 893-1379



(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association

RECEIVED
District Court
Jefferson County

MAY 15 2000

Division 1
Enter
File



FAX TRANSMITTAL

Date: May 15, 2000

Number of pages including cover page: 4

From: (Mr.) Jan Hammer, Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, CO. 80202
Tel: 303 892-0500
Fax: 303 892-0503

To: The Honorable Thomas Woodford at 303 271-6271
Attention: Alison

cc: Mr. Matt Depetro at 303 796-2915
Mr. Steve Jensen at 303 271-6888
Mr. Richard P. Holme at 303 893-1379
Ms. Taylor Cleveland, KCNC-TV at 303 830-6380
Re: EMC Request
Defendant: Phillip Duran
Case #: 99 cr 1580

Herein please find a copy of our EMC Request as described above.

Thanks,

Jan Hammer

RECEIVED
District Court
Jefferson County

JUN 15 2000

Division 1 _____
Enter _____
File June 2000

36 Oak Lodge
T. Creek Rd
Sutton Sarnay
SMI & Q N
England U.K.

Dear Judge Woodford

as Philip Duran's grandmother, I know that I can be considered to be biased, but I only know him to be a kind and gentle young man. Not only his family, but neighbours who I've met have, also grown to love him for the thought and consideration he shows to everyone around him.

I ask you most sincerely not to punish him severely for the thoughtlessness he showed a year ago. Both he and the family have suffered so much this past year, I know he would never become involved in anything like this ever again.

Now that he's married to a sweet and sensible young woman,

CC: TO Counsel: Jensen/ Deptus

DOCKETED

it would be such a joy for them to be able to plan and look forward to a happy life together.

They love children and when they start a family they'll be good parents.

Thankyou for your attention to my letter. I remain

Yours sincerely

Wendy F. Tanner.

May 21, 2000

RECEIVED
District Court
Jefferson County

JUN 01 2000

Hon. Lisle Thomas Woodford
Jefferson County District Court, Division 9
100 Jefferson County Parkway
Golden, CO 80401

Division 1 _____
Enter _____
File _____

Dear Judge Woodford:

I am writing this letter of behalf of Philip Duran. Phil is a close friend of my son and I have known him for the past two years. He has also rented a home from us for the past year.

In my experience with Phil, I have known him to be a sincerely good young man, and a loyal friend to my son. His parents have always been loving and supportive, and very much present in his life and in the lives of his friends. I think very highly of Phil and his family.

We all know that both Phil and Mark made a devastating mistake, the consequences of which they will carry with them for the rest of their lives. However, I disagree with the very public statement that was made that it was as if they had "pulled the trigger" themselves. Although I fully understand the emotion behind the statement, they, in fact, did not pull the trigger. They were both devastated when they learned of the horrific crime committed at Columbine High School.

Again, I understand the need for someone to pay for the crime and certainly, Phil has acknowledged his mistakes. However, it is a shame that our society and our justice system, at times, cannot acknowledge those whose talents and resources could be best utilized to contribute to the greater good of society (through community service), rather than making punitive assignments by which no one is well served.

Eric Harris and Dylan Klebold changed so many lives that fateful day, including those of Phil and his family and friends. I thank you for the opportunity to speak for a young man whose character and motives have not always been fairly judged.

Sincerely,



Bernadette Hensen

DOCKETED

99CR1580

MAY 15 2000
-11-2000

Division 1

Enter

File

Judge Woodford-

I'm writing in reference to Philip Joseph Duran whom I believe you will be sentencing soon. I don't believe Philip should be sentenced to prison. I think Harris and Klebold would have attacked the school with other weapons if guns hadn't been available, like a car bomb for instance, which probably would have killed even more people than what they did with guns.

Not everyone has a lynch-mob mentality when it comes to Columbine (I attended Columbine Elementary School in the late Sixties).

Nathan Sonell

19866 E. Bethany Dr.

Aurora, Co. 80013

cell 507-7236

office 680-5169

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RECEIVED
District Court
Jefferson County

THE DENVER POST

1560 Broadway
Denver, CO 80202
(303) 820-1010
www.denverpost.com

MAY 05 2000

Division 1 _____
Enter _____
File _____

May 4, 2000

Judge Thomas Woodford
Jefferson County District Court
Division 1
100 Jefferson County Parkway
Golden, CO 80401

Judge Woodford:

Please consider this request by The Denver Post for expanded media coverage of the Monday, May 8, 2000, hearing in case No. 99-CR1580, People v. Philip Joseph Duran.

The Post would like to have one of its photographers in the courtroom along with reporter Howard Pankratz. The photographer will be using a still camera.

If there is any additional information I can provide, please let me know.

Sincerely,



Evan Dreyer
City Editor

cc: Steven Jensen
Matt DePetro

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 99CR1580

Division 1

ORDER

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiffs,

v.

PHILIP JOSEPH DURAN,

Defendant.

RECEIVED
District Court
Jefferson County

MAY 05 2000

Division 1 _____
Enter _____
File _____

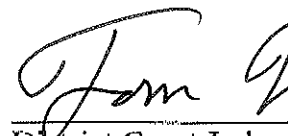
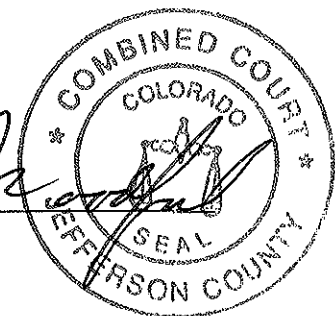
THE COURT, having reviewed the Request for Expanded Media Coverage filed by The Denver Post Corporation to permit expanded media coverage of the motions hearing on Monday, May 8, 2000 at 8:30 a.m., and having considered any objections thereto from the People and/or the Defendant, and being fully advised in its premises, hereby finds and ORDERS as follows:

The Request for Expanded Media Coverage is hereby GRANTED.

A single still camera photographer from The Denver Post may be present in the courtroom and conduct himself or herself in accordance with Colorado's Code of Judicial Conduct Canon 3.A.(8), paying particular attention to the "limitations" enumerated in Canon 3.A.(8)(c) and Canon 3.A.(8)(e)(I)(cc). Furthermore, The Denver Post shall be responsible for arranging an open and impartial distribution scheme for pooling its expanded media coverage, as specified in Canon 3.A.(8)(II).

DONE AND ORDERED this 5th Day of May, 2000.

BY THE COURT


District Court Judge

DNVR1:60124151.01

DOCKETED

THE DENVER POST

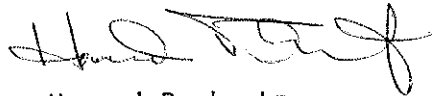
1560 Broadway
Denver, CO 80202
(303) 820-1010
www.denverpost.com

CERTIFICATE OF FAXING

I hereby certify that I have on this 4th day of May
2000, sent a true and correct copy of the foregoing REQUEST via
fax to the following:

Steven Jensen, Jefferson County District Attorney's Office,
500 Jefferson County Parkway, Golden;

Matt DePet-o, 5445 DTC Parkway, Suite 850, Englewood, Co.



Howard Pankratz

Denver Post Reporter

RECEIVED
District Court
Jefferson County

THE DENVER POST

MAY 05 2000

Division 1
Enter
File

1560 Broadway
Denver, CO 80202
(303) 820-1010
www.denverpost.com

May 4, 2000

Judge Thomas Woodford
Jefferson County District Court
Division 1
100 Jefferson County Parkway
Golden, CO 80401

Judge Woodford:

Please consider this request by The Denver Post for expanded media coverage of the Monday, May 8, 2000, hearing in case No. 99-CR1580, People v. Philip Joseph Duran.

The Post would like to have one of its photographers in the courtroom along with reporter Howard Pankratz. The photographer will be using a still camera.

If there is any additional information I can provide, please let me know.

Sincerely,



Evan Dreyer
City Editor

cc: Steven Jensen
Matt DePetro

DOCKETED

Case No. 99CR1580

Division 1

ORDER FOR PRESENTENCE INVESTIGATION REPORT

RECEIVED
District Court
Jefferson County

MAY 08 2000

THE PEOPLE OF THE STATE OF COLORADO

☒ vs. Phillip Joseph Duran, Defendant.

Division 1

Enter

File

☐ In the Interest of _____, a juvenile

IT IS HEREBY ORDERED that:

☒ A presentence investigation be completed pursuant to 16-11-102 or 19-2-905. The defendant is directed to cooperate with the Probation Department in the required drug scan and substance use assessment. Pursuant to C.R.S., 16-11-102 (3) or 19-1-107 (2), the Court hereby orders the defendant/juvenile to submit to a mental health examination at the discretion of the Probation Department.

_____ A new presentence investigation having been waived by the defendant, the District Attorney / Defense Attorney / Defendant (Circle one) shall provide a presentence investigation report from _____ County, to the Court, the District Attorney, the Defendant and the Probation Department, 72 hours prior to sentencing, pursuant to C.R.S., 16-11-102. **NOTE: If screenings are requested, the out-of-District Presentence Investigation Report must be provided to the Probation Department ten days before sentencing.**

SCREENINGS REQUESTED:

☒ Community Responsibility Center (CRC) * _____ Peer One

_____ Intensive Supervision Probation (ISP) _____ Other _____

Sentencing Date: June 23, 2000 at 1:30 am/pm

*** NOTE THE FOLLOWING DEADLINES WHEN SETTING FOR SENTENCING:

- In Custody - 4 weeks
- In Custody-Sex Offender - 6 weeks
- Not in custody - 6 weeks
- Not in custody-Sex Offender - 8 weeks

SPECIAL INSTRUCTIONS:

_____ Probation ineligibility waived by District Attorney

Other: Screen for CRC - * Preposition reported

BY THE COURT:

Jon R. Woodford
JUDGE/MAGISTRATE

DATED: May 8, 2000

GO DIRECTLY TO THE PROBATION DEPARTMENT ON THE SECOND FLOOR, SUITE 2070
WHITE - COURT YELLOW - PROBATION PINK - DEFENDANT

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

MOTION AND ORDER TO DISMISS COUNT THREE

RECEIVED
District Court
Jefferson County

PEOPLE OF THE STATE OF COLORADO

MAY 08 2000

VS.

PHILIP JOSEPH DURAN

Defendant.

Division 1
Enter
File

DAVID J. THOMAS, District Attorney in and for the First
Judicial District, State of Colorado, respectfully requests
this Honorable Court as follows:

To dismiss Count Three of the above titled action;

On the grounds that the defendant has entered a guilty
plea to the existing First Count of Providing or
Permitting a Juvenile to Possess a Handgun, (F4) and the
existing Second Count of Possessing a Dangerous Weapon,
(F5).

DAVID J. THOMAS
District Attorney

By:

STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

RECEIVED
District Court
Jefferson County

MAY 08 2000

Division 1
Enter
File

ORDER

THIS COURT having read the above Motion of the District
Attorney, hereby grants said Motion.

DONE AND SIGNED on May 8, 2000.

BY THE COURT:

DOCKETED

Tom Woodford
Judge

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 8 1

RECEIVED
District Court
Jefferson County

MAY 08 2000

CONSENT OF SURETY

Division 1

Enter

File

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

We, Patricia M. Duran and Rueben H. Duran, as Sureties states as follows:

1. Written consent is given for the continuance or reinstatement of the appearance bond of the above-named Defendant as follows: [Not valid if more than one checked.]

- ☐ A. Reinstatement until entry of an order for deferred prosecution or deferred judgment, plea of guilty, *nolo contendere* or conviction.
- X B. Continuance following conviction, but expiring upon the imposition of sentence.
- ☐ C. Reinstatement until hearing set for _____, 2000, at _____ a.m./p.m.
- ☐ D. Other: n/a

3. This consent must be filed before the date and time Ordered by the Court.

4. In the event forfeiture proceedings upon this bond are pending, this consent is conditional upon the forfeiture proceedings being vacated by the Court.

DOCKED

CONSENT OF SURETY
PEOPLE V. Philip J. Duran
JEFFERSON COUNTY COURT
Case No. 99 CR 1580

EXECUTED this 29 day of April, 2000, at 9:00p.m.
a.m./p.m.

Patricia M. Duran
Patricia M. Duran

Rueben H. Duran
Rueben H. Duran

Sureties

Address: 5663 W. Alder Ave.
Littleton, CO 80120
Phone: 303-933-0100

Power of Atty No.: _____

Date Bond Executed: _____

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

PEOPLE'S MOTION TO ADMIT "DYING DECLARATION" STATEMENTS UNDER C.R.S. 13-25-119, OR IN THE ALTERNATIVE, TO ADMIT THE HEARSAY STATEMENTS UNDER C.R.E. 807

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN
Defendant.

RECEIVED
District Court
Jefferson County
Division 1 3-30-00 *pk*
Enter _____
File _____

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully requests this honorable court to admit certain statements of Dylan Klebold and Eric Harris as "dying declarations," or in the alternative, to admit them as an exception to the rule against hearsay. As grounds for this request, the People state as follows:

1. The Defendant is charged with one count of Providing a Handgun to a Juvenile, in violation of C.R.S. § 18-12-108.7, and one count of Contributing to the Delinquency of a Minor, in violation of C.R.S. § 18-6-710(1)(2), on and between January 1, 1999, and April 20, 1999, for his role in unlawfully providing a handgun to two children, Dylan Klebold and Eric Harris, and unlawfully inducing, aiding, and encouraging those children to violate the Colorado laws prohibiting Illegal Possession of a Handgun by a Juvenile (C.R.S. § 18-12-108.5), and prohibiting Possession of a Dangerous Weapon (C.R.S. § 18-12-102(3)).

2. The People seek to admit several statements made by Dylan Klebold and Eric Harris thanking the Defendant and the co-defendant, Mark Manes, for their assistance in their preparations for the events of April 20, 1999 at Columbine High School. Dylan Klebold and Eric Harris videotaped these statements, as well as others, over a period of weeks leading up to—and including—April 20, 1999; such videotape was seized by members of the Jefferson County Sheriff's Department. A transcript of the actual statements the People seek to introduce is attached. While the People do not intend to admit the videotape at the time of trial, the People respectfully request this court view the entire videotape in camera as part of this motion.

3. Dylan Klebold and Eric Harris are deceased as a result of their actions on April 20, 1999 at Columbine High School. The People seek to admit the attached statements as "dying declarations" under C.R.S. § 13-25-119.

4. C.R.S. § 13-25-119 provides as follows:

Dying declaration. (1) The dying declaration of a deceased person are admissible in evidence in all . . . criminal trials and other proceedings before courts . . . to the same extent and for the same purposes that they might have been admissible had

DOCKETED

the deceased survived and been sworn as a witness in the proceedings, under the following restrictions. To render the declarations of the deceased competent evidence, it must be satisfactorily proved:

- (a) That at the time of the making of such declaration he was conscious of approaching death and believed there was no hope of recovery;
- (b) That such declaration was voluntarily made, and not through the persuasion of any person;
- (c) That such declaration was not made in answer to interrogatories calculated to lead the deceased to make any particular statement;
- (d) That he was of sound mind at the time of making the declaration.

5. It should be noted that there is no requirement that the statements be made within any specified period of time prior to the declarant's actual death. In fact, Colorado's limited history of case law in this area reveals that even a lapse of *two months* between the time statements are made and the date of the declarant's death does not render those statements inadmissible, where there was no change in circumstances sufficient to abate the declarant's consciousness of impending death and the belief that there was no hope of recovery. Ferguson v. People, 192 P.2d 523 (Colo. 1948).

6. Each of the four prerequisites to admissibility will be analyzed separately. First, the videotape made by Dylan Klebold and Eric Harris, in addition to containing the statements sought to be introduced at trial by the People, is replete with statements of their "consciousness of approaching death" and their belief that such death was inevitable. For example, the segment of March 15, 1999 which contains the attached statements, videotaped in Eric Harris' house with Dylan Klebold present, contains the following additional statements by Eric Harris in relation to their plan for Columbine High School:

"We're going to fuckin' die doing it "
". . . even us, we need to die too."
"We will die. We'll die killing you fuckheads."
"It'll be easier on them (Harris' parents) once I'm dead."
"Hopefully death is like a dream state"

A later portion of that segment contains the following additional statements by Dylan Klebold in relation to their plan for Columbine High School:

"This is what you're going to find on the body in April" (describing what he, himself, looks like in his LBE—Load Bearing Equipment—the military suspenders, belt, and ammo packs he is wearing in the video).

Later segments of the video contain statements by Eric Harris, such as:

"This is my last week here . . . on earth."
"It's pretty weird knowing you're gonna' die."

There are similar additional statements made by both Dylan Klebold and Eric Harris throughout the video, which covers the days leading up to, and including, April 20, 1999.

7. These statements are a consistent theme throughout the tape. They are made at the same time as, and subsequent to, the making of the attached statements sought to be introduced by the People. They evince a consciousness of approaching death and an unwavering belief that there was no hope of recovery by Dylan Klebold and Eric Harris. There is no evidence that this belief was ever abated subsequent to the making of the statements in question.

8. Second, to be admissible, the declaration must be voluntarily made, and not through the persuasion of any person. The contents of the video make clear that it was made entirely by Dylan Klebold and Eric Harris. No other person ever appears on camera with them; no other voices can be heard on the tape but theirs. There is no indication other than that the videotape and the statements contained on it were made voluntarily by Dylan Klebold and Eric Harris without any persuasion by another person.

9. Third, the contents of the video demonstrate that the statements sought to be introduced by the People were not made in answer to interrogatories calculated to lead the deceased to make any particular statement. Again, the only voices on the entire video, including all of its segments leading up to and including April 20, 1999, are those of Dylan Klebold and Eric Harris.

10. The final prerequisite to the admissibility of statements under the “dying declaration” statute is that the declarants were of sound mind at the time of making the declaration. In this case, despite the content of Dylan Klebold’s and Eric Harris’ conversations, the nature of their plans, and the depths of hatred displayed during the several videotaped segments, there is no evidence that they were not of sound mind at the time of the making of the statements in question; there is no evidence that they suffered from hallucinations or delusions regarding their conversations or proposed conduct. To the contrary, both Dylan Klebold and Eric Harris appear articulate and rational in their planning and preparation of an evil and unthinkable act throughout the videotape.

11. Having met the requirements of C.R.S. § 13-25-119, the court should allow the admission of the attached statements at trial against the Defendant.

12. In the alternative, the People respectfully request this court allow the admission of the attached statements under the Residual Exception to the rule against the admissibility of hearsay statements codified at C.R.E. 807.

13. “‘Hearsay’ is a statement other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” C.R.E. 801. Generally, “[h]earsay is not admissible except as provided by these rules . . . or by any statutes of the State of Colorado.” C.R.E. 802.

14. C.R.E. 807 provides that:

“A statement not specifically covered by Rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that

- (A) the statement is offered as evidence of a material fact;
- (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and
- (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence”

Under this rule, availability of the declarant is immaterial. The language of C.R.E. 807 mirrors the language of its predecessors, C.R.E. 803 and 804.

15. The Colorado Supreme Court has interpreted this language to include five prerequisites to admissibility of statements offered under this rule. They are that:
- (1) the statement is supported by circumstantial guarantees of trustworthiness;
 - (2) the statement is offered as evidence of material facts;
 - (3) the statement is more probative on the points for which it is offered than any other evidence which could be reasonably procured;
 - (4) the general rules of the rules of evidence and the interests of justice are best served by the admission of the statement; and
 - (5) the adverse party had adequate notice in advance of trial of the intention of the proponent of the statement to offer it into evidence.

People v. Fuller, 788 P.2d 741, 744 (Colo. 1990).

16. First, in determining whether the statements are supported by circumstantial guarantees of trustworthiness, the court should examine the nature and character of the statements, the relationship of the parties, the probable motivation of the declarants in making the statements, and the circumstances under which the statements were made. Id., at 745.

17. Here, the nature and character of the statements by Dylan Klebold and Eric Harris was to use their first names to acknowledge the Defendant and co-defendant for “help[ing] us do what we needed to do. Thank you.” Their relationship to the Defendant was that of friends and co-workers, in addition to the Defendant assisting them with acquiring the handgun and going shooting with them. Their motivation was to give recognition and gratitude to “Mark and Phil,” as well as a plea to law enforcement not to arrest them because, in their opinion, “[I]t’s not their fault.” The statements are made further reliable by their efforts to disguise the identity of the Defendant and co-defendant by referring to them as “Mark John Doe and Phil John Doe.” The circumstances under which the statements were made is the voluntarily produced video recording of Dylan Klebold and Eric Harris in the absence of additional assistance or outside persuasion.

18. Second, the attached statements sought to be introduced by the People are evidence of a material fact, specifically, the identity of those persons who assisted Dylan

Klebold and Eric Harris' planning and preparation for the events of April 20, 2000. They specifically reference and thank "Mark and Phil" for "help[ing] us do what we needed to do.] In the present case, the Defendant is charged with two separate violations of the law for having assisted Dylan Klebold and Eric Harris in obtaining a TEC-DC9 handgun, one of the weapons displayed during the video made by Klebold and Harris.

19. Third, the statements are more probative on the points for which they are offered than any other evidence which could be reasonably procured, because they are the statements of the juveniles named in two of the three charges pending against the Defendant; they were made by individuals with personal knowledge of the subject matter of the statements. The statements tend to prove the identity of the persons who assisted Dylan Klebold and Eric Harris, as well as adding corroboration to other evidence of the Defendant's culpability for the charged misconduct.

20. Finally, the adverse party has had adequate notice in advance of trial of the intention of the proponent of the statement to offer it into evidence, by the filing of this motion and the previously scheduled motions hearing.

WHEREFORE, the People respectfully request that the court admit the attached statements as dying declarations under C.R.S. § 13-25-119, or in the alternative to admit the attached statements under C.R.E. 807 as a residual exception to the hearsay rule.

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:


George Brauchler
Deputy District Attorney
Registration No. 25910

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Motion to Admit "Dying Declaration" Statements
was mailed on March 31, 2000, by depositing same in the U.S.
Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro, Esq.
5445 DTC Parkway, Suite 850
Englewood, CO 80111



CONTINUATION ☐		Reporting Agency		Reporting Officer		Case Report No.	
SUPPLEMENT ☒		CSO		BATTAN		99-8108-B	
Connecting Case Report No.				Victim Name Original Report		Date This Report	
99-10704				STATE OF COLO		09-30-99	
Classification ☒ Unlawfully Providing Handgun				Offense Status: Open ☐ Exceptionally Cleared ☐		Recommend Case: Review ☐	
Reclassification ☐ To Juvenile				Cleared by Arrest ☐ Unfounded ☐		Closure ☐	
Item No.	Quantity	Brand Name	Description	Serial No.	Value Stolen	Value Recovered	Value Damaged

INVESTIGATION:

At the request of the prosecuting and defense attorneys, I prepared a transcript of the portion of a videotape in which Dylan Klebold and Eric Harris discuss Mark Manes and Phil Duran. The videotape was obtained during a lawful search of Eric Harris' residence.

In viewing the video, it appears that this portion of the video was taped on March 15, 1999. Below is the conversation regarding Mark Manes and Phil Duran:

Klebold: Oh, I'd like to make a thank-you to Mark and Phil, very cool; you helped us do what we needed to do. Thank-you. Hope you don't' get fucked.

Harris: Yeah, you know, it's not their fault.

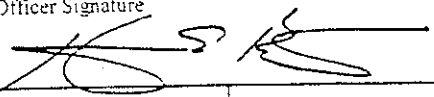
Klebold: Mark John Doe and Phil John Doe.

Harris: (Laugh) It's not their fault, I mean, they had no fucking clue.

Klebold: We used them.

Harris: I mean, don't...cops...all you cops that fucking live...

Klebold: All you fucking detectives are trying to like bust everyone in, like, the proximity of this crime...

Officer Signature	Unit	Number	Supervisor Initials and Date	Assigned To	Page 1
	X61	3203			of 2
ORIGINAL	INVESTIGATOR	VICTIM SERVICES	OTHER	ASAF3 4/98 JCSD/1674	

CONTINUATION ☐		Reporting Agency: CSO		BATTAN		99-8108-B	
SUPPLEMENT ☒ Connecting Case Report No. 99-10704				Victim Name Original Report STATE OF COLO		Date This Report 09-30-99	
Classification ☒ Unlawfully Providing Handgun Reclassification ☐ To Juvenile				Offense Status: Open ☐ Exceptionally Cleared ☐ Cleared by Arrest ☐ Unfounded ☐		Recommend Case: Review ☐ Closure ☐	
Item No.	Quantity	Brand Name	Description	Serial No.	Value Stolen	Value Recovered	Value Damaged

Harris: And suppress the whole fucking connection to us. Don't even try it 'cause it's just not worth it. I mean, if they wouldn't have...

Klebold: Let me tell you this much, we used them. They had no clue. It's like people using a horse to carry shit.

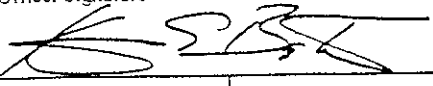
Harris: If they wouldn't have fucking helped us out, then we would've found someone else. It would have gone on and on. We would have found some way around it 'cause that's what we do.

Klebold: Those are just the people who...are...happened. Don't blame them and don't fucking arrest them for what we did.

Harris: Don't arrest any of our friends, any of our co-workers, any of our family members. Don't arrest anyone 'cause they didn't have a fucking clue and that's that. They just didn't have a fucking clue. It would not solve anything to arrest them or even fucking go to their house and talk to 'em.

DISPOSITION

Cleared by filing

Officer Signature 	Unit V61	Number 3203	Supervisor Initials and Date	Assigned To	Page 2 of 2
ORIGINAL	INVESTIGATOR	VICTIM SERVICES	OTHER	ASAF3 4/98 JCSD/16-4	

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

PETITION TO ENTER PLEA OF GUILTY

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN

Defendant.

RECEIVED
District Court
Jefferson County

MAY 08 2000

Division 1
Enter
File

1. My name is PHILIP JOSEPH DURAN.
2. I understand the English language.
I read and speak the English language.
3. I am not under the influence of any intoxicating liquor,
medication or drugs. My physical and mental health is
satisfactory. I am 23 years of age. My date of birth
is 11/28/76. I have gone to school up to and including

GED

4. I have consulted with my attorney concerning this matter
and I am satisfied with the advice given by my attorney.
5. I have been advised:
 - a. that I need make no statement and any statement made
can and may be used against me;
 - b. that I have a right to counsel and that if I cannot
afford counsel the Court will appoint counsel for
me;
 - c. that any plea I make must be voluntary and not the
result of any undue influence, coercion, or force on
the part of anyone;
 - d. that I have a right to bail, if the offense is
bailable, and I have been advised as to the amount
of my bail.
 - e. I have been advised of the nature of the charges
against me and of my right to a jury trial and of my
right to a preliminary hearing.

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- f. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me:
1. the right to a speedy and public trial by jury;
 2. the right to representation by counsel at trial;
 3. the right to see, hear and face in open court all witnesses called to testify against me and to cross examine them;
 4. the right to have the prosecution prove each and every element of the offenses charged in this matter beyond a reasonable doubt;
 5. the right to remain silent;
 6. the right not to testify;
 7. the right to testify if I want to;
 8. the right to presumption of innocence;
 9. the right to subpoena and call witnesses on my behalf;
 10. the right to appeal any conviction; and
 11. the right to legal defenses and alibi, if one exists.

I further understand that by tendering this plea of GUILTY, I am waiving all of these rights.

6. I wish to plead guilty to the following: Count One of **PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN, Section 18-12-108.7, C.R.S. (F4)**, and Count Two of **POSSESSING A DANGEROUS WEAPON, Section 18-12-102(3), C.R.S. (F5)**.
7. I understand the nature of the charges and the elements of the offenses to which I am pleading and the effect of my plea.
8. The elements of the offenses to which I am pleading guilty are:

The elements of the crime of providing and permitting a juvenile to possess a handgun are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. intentionally, knowingly or recklessly,
4. provided a handgun, with or without remuneration,
5. to a person under the age of eighteen years.

The elements of the crime of possessing a dangerous weapon are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly possessed a dangerous weapon, to-wit: a short shotgun.

A person acts "intentionally" when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "knowingly" with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

A person acts "recklessly" when he consciously disregards a substantial and unjustified risk that a result will occur or that a circumstance exists.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, and with knowledge that the principal intended to commit the crime, he aids, abets, advises, or encourages the other person in planning or committing the offense.

"JUVENILE" means any person under the age of eighteen years.

"POSSESSION" does not necessarily mean ownership, but does mean the actual, physical possession, or the immediate and knowing dominion or control over the object or the thing allegedly possessed.

"REMUNERATION" means anything of value, including money, real property, tangible and intangible personal property,

contract rights, choses in action, services, and any rights of use or employment or promises or agreements connected therewith.

"HANDGUN" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

"FIREARM" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

"DANGEROUS WEAPON" means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

"SHORT SHOTGUN" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

9. My plea is voluntary and is not the result of undue influence or coercion or force on the part of anyone.
10. I understand the right to trial by jury and I expressly waive my right to trial by jury on all issues.

COUNT ONE- (F4) :

11. a. I understand that if the Court accepts my plea I may be sentenced to the Department of Corrections for a definite term of between 2 and 8 years and a fine from \$2,000 to \$500,000.
- b. I also understand that if the Court finds extraordinary aggravating circumstances the Court may double the maximum term making a term as long as 12 years.
- c. I also understand that if the Court finds extraordinary mitigating circumstances the Court may cut the minimum term in half making a term as short as 1 year.
- d. I also understand that any sentence I receive will carry with it, a mandatory period of parole of 3 years which commences immediately upon discharge from imprisonment in the Department of Corrections.
- e. I also understand that if I was on parole or probation for a felony, or if I was in confinement, in prison, or in any correctional institution or was an escapee, or I was on an appeal bond following a conviction for a previous felony, at the time of the commission of the offense, that the Court shall, if it sentences me to the Department of Corrections, sentence me to a term of at least the midpoint in

- the presumptive range but not more than twice the maximum term authorized in the presumptive range.
- f. I also understand that if the commission of the offense occurred on or after July 1, 1990, and if I was charged with or was on bond for a previous felony at the time of the commission of this felony, for which previous felony I was subsequently convicted, or if I was on bond for having pled guilty to a lesser offense when the original offense charged was a felony, or if I was under a deferred judgment and sentence for another felony at the time of the commission of the felony, or if I was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult, that the Court shall, if it sentences me to the Department of Corrections, sentence me to at least the minimum in the presumptive range but not more than twice the maximum term authorized in the presumptive range.
- g. I understand that if I have previously been convicted of two or more felonies that I am not eligible for probation and that if I am pleading guilty to a class 1, 2 or 3 felony and if I have previously been convicted of any felony within 10 years, I am not eligible for probation.
- h. I understand that if I am granted probation that I may be sentenced to the county jail as a condition of probation for up to 90 days for a felony, up to 60 days for a misdemeanor or up to 30 days for a petty offense.

COUNT TWO-(F5):

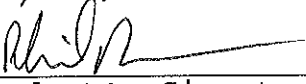
12. a. I understand that if the Court accepts my plea I may be sentenced to the Department of Corrections for a definite term of between 1 and 3 years and a fine from \$1,000 to \$100,000.
- b. I also understand that if the Court finds extraordinary aggravating circumstances the Court may double the maximum term making a term as long as 6 years.
- c. I also understand that if the Court finds extraordinary mitigating circumstances the Court may cut the minimum term in half making a term as short as 6 months.
- d. I also understand that any sentence I receive will carry with it, a mandatory period of parole of 2 years which commences immediately upon discharge from imprisonment in the Department of Corrections.
- e. I also understand that if I was on parole or probation for a felony, or if I was in confinement, in prison, or in any correctional institution or was an escapee, or I was on an appeal bond following a conviction for a previous felony, at the time of the

- commission of the offense, that the Court shall, if it sentences me to the Department of Corrections, sentence me to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range.
- f. I also understand that if the commission of the offense occurred on or after July 1, 1990, and if I was charged with or was on bond for a previous felony at the time of the commission of this felony, for which previous felony I was subsequently convicted, or if I was on bond for having pled guilty to a lesser offense when the original offense charged was a felony, or if I was under a deferred judgment and sentence for another felony at the time of the commission of the felony, or if I was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult, that the Court shall, if it sentences me to the Department of Corrections, sentence me to at least the minimum in the presumptive range but not more than twice the maximum term authorized in the presumptive range.
 - g. I understand that if I have previously been convicted of two or more felonies that I am not eligible for probation and that if I am pleading guilty to a class 1, 2 or 3 felony and if I have previously been convicted of any felony within 10 years, I am not eligible for probation.
 - h. I understand that if I am granted probation that I may be sentenced to the county jail as a condition of probation for up to 90 days for a felony, up to 60 days for a misdemeanor or up to 30 days for a petty offense, or up to 2 years in the work release facility.
13. I understand the Court can order any sentence I receive to run concurrent with or consecutive to any other sentence I have received or may receive in this jurisdiction or in any other jurisdiction. I further understand that if I am pleading guilty to more than one count that the sentence can be concurrent with or consecutive to the other count or counts to which I am pleading guilty.
14. I understand that the Court will not be bound by any representations or promises that may have been made to me by anyone concerning the penalty to be imposed or the granting or the denial of probation.
15. I agree that there is a factual basis for the plea of guilty to the crime charged in this matter or I waive the requirement of a factual basis for the plea.

16. a. I am a citizen of the United States.
b. I understand that if I am not a citizen of the United States, under the laws of the United States, conviction of a crime may result in deportation, exclusion from admission to the United States, or denial of naturalization.
17. I understand that if my guilty plea is accepted by this Court for any of the crimes listed below, no bail is allowed:
- (a) Murder;
 - (b) Felony sexual assault involving the use of a deadly weapon;
 - (c) Felony sexual assault committed against a child under 15 years of age;
 - (d) A crime of violence; and
 - (e) A felony involving the use of a firearm.

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY ON

May 3, 2000.


Defendant's Signature

2594 S. Tennyson Way
Address

Denver, CO 80219
City, State, Zip

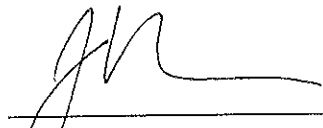
CERTIFICATE OF COUNSEL

The undersigned, as lawyer for the above defendant, hereby certified:

1. I have read and fully explained to the defendant the allegations contained in the information in this case. To the best of my knowledge and belief, the statements, representations and declarations made by the defendant in the foregoing Petition are in all respects accurate and true.
2. I have explained the possible penalties to the defendant and consider the defendant competent to understand the charges and the effect of the plea of Guilty.
3. The plea of Guilty as offered by the defendant accords with my understanding of the facts related to me and is consistent with my advice to the defendant. In my opinion the plea of Guilty as offered by the defendant is voluntarily and understandingly made. I recommend that the Court accept the plea of Guilty.
4. Having discussed this matter carefully with the defendant, I am satisfied and I hereby certify that the defendant is, in my opinion, mentally and physically competent; there is no mental or physical condition which would affect the defendant's understanding of these proceedings; further, I state that I have no reason to believe that the defendant is presently operating under the influence of drugs or intoxicants.

Signed by me in the presence of the defendant above-named and after full discussion of the contents of this certificate with the defendant on

5-3-00



Attorney for Defendant

Reg. No. 12730

Address 5445 DTC PKWY, STE-850
ENGLEWOOD, CO 80111

Phone No. 303-796-2034

MAR 22 2000

COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A

Div 1

Division 1
Enter
File

DEFENDANT'S OBJECTION TO REQUEST FOR TAKING OF JUDICIAL NOTICE

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

The Defendant, PHILIP J. DURAN, by and through his attorney, J. Matthew DePetro, submits the following objection to People's Request For The Taking of Judicial Notice.:

1. That the People request that this court take judicial notice of the duty to report known criminal activity to law enforcement authorities.

2. The People's request for judicial notice is an attempt to change and alter the elements of the offense of the crime of Contributing to the Delinquency of a Minor section 18-6-701, C.R.S.(Count 3).

3. Section 18-6-701, C.R.S., makes it a duty to report criminal activity, but does not make the failure to do so a crime.

4. The crime of Contributing to the Delinquency of a Minor does require the establishment of a mental state as conceded by the People.

5. Section 18-6-701, C.R.S., further requires the proof of affirmative conduct, an overt act, as opposed to that suggested by the People regarding an omission, or a failure to perform an act.

6. Section 18-6-701, C.R.S. requires the offender to do one of three things, all of which are an affirmative action as opposed to an omission. The offender must either induce, aid, or encourage.

7. The People's request for judicial notice in an attempt to abrogate the three specific affirmative acts of conduct required under the statute.

8. The requirements for criminal liability are the commission of a voluntary act prohibited by law, accompanied by a culpable mental state. A voluntary act means an act performed

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consciously as a result of effort or determination. In requesting judicial notice, the People are attempting to maintain that Contributing to the Delinquency of a Minor is a strict liability crime, and that omissions or failures to act, constitute "inducement, aiding, or encouragement."

9. The People's argument regarding judicial notice will also be used by it as a basis for claiming a violation of section 18-12-108.7, C.R.S Unlawfully Providing or Permitting a Juvenile to Possess a Handgun, section.

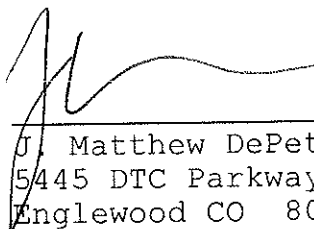
10. The failure of perform a duty under section 18-8-115, C.R.S., cannot be determined to be act of "inducing, aiding, or encouraging."

11. The Defendant's requests that this matter be heard at the motions hearing date of May 8, 2000.

WHEREFORE, the Defendant, Philip J. Duran, prays that this Honorable Court issue an order denying the People's request for judicial notice, and that there be no instruction given to the jury regarding the duty set forth in section 18-8-115, C.R.S.; and for such other and further relief as the Court deems proper.

DATED this 1st day of March, 2000.

Respectfully submitted,

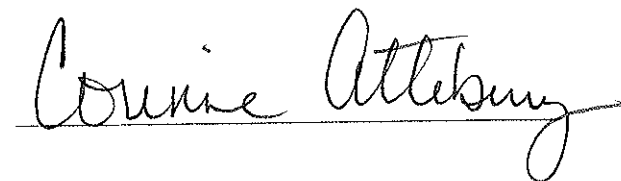


J. Matthew DePetro, #12770
5445 DTC Parkway Ste. 850
Englewood CO 80111
303-796-2034
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of March, 2000, a true and correct copy of the above and foregoing **DEFENDANT'S OBJECTION TO REQUEST FOR JUDICIAL NOTICE** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



DISTRICT COURT, JEFFERSON COUNTY, COLORADO

COURT CASE NUMBER: 99CR01580 DIVISION: 1

NOTICE OF ENDORSEMENT OF WITNESS(ES)

00 MAR 21 AM 9:45

THE PEOPLE OF THE STATE OF COLORADO

vs.

Philip Joseph Duran

Defendant.

RECEIVED
District Court
Jefferson County
FILED
COMBINED COURT
JEFFERSON COUNTY, CO
MAR 21 2000

DAVID J. THOMAS, District Attorney in and for the First Judicial District, State of Colorado, respectfully notifies this Honorable Court that the people hereby endorse the following vital and essential witness(es), to-wit:

Phillip M. Applegate
9641 W. Dumbarton Place
Littleton, CO 80123

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:


Steven L. Jensen
Deputy District Attorney
Registration No. 14141

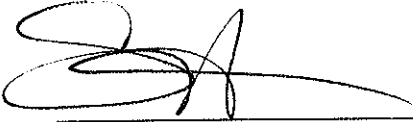
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DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Endorsement of Witnesses was mailed on March
21, 2000, by depositing same in the U.S. Mail, postage
prepaid, and addressed as follows:

J. Matthew DePetro
Attorney at Law
5445 DTC Parkway, Ste. 850
Englewood, CO 80111



DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

THE PEOPLE OF THE STATE OF COLORADO

vs. *Philip J. Duran (Case)*

MARK EDWARD MANES

DOB 03/25/1977

DOC # 102845

RECEIVED
District Court
Jefferson County

MAR 20 2000

Division 9
Enter
File

DAVID J. THOMAS, District Attorney in and for the First Judicial District, State of Colorado, states and alleges:

1. MARK EDWARD MANES is presently in the custody of the Director, Department of Corrections, State of Colorado.
2. The presence of MARK EDWARD MANES in this Court is necessary and required at 8:30 a.m. on June 6, 2000, for Jury Trial, at which time he is to appear and give testimony and evidence relating to matters concerning the above cause. After said witness appears in this court he will be returned to the custody of the Director, Department of Corrections, State of Colorado.

WHEREFORE, the District Attorney requests the Court enter an Order directing the Director, Department of Corrections, State of Colorado, holding said MARK EDWARD MANES in custody and the Sheriff of the County of Jefferson, State of Colorado, to produce the said witness in this Court at the above time. After said witness appears in this Court, he will be returned to the custody of the Director, Department of Corrections, State of Colorado.

DAVID J. THOMAS
District Attorney

By:

Steven L. Jensen
STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

SO ORDERED THIS MAR 16 2000 DAY OF _____, 20____.

Judge

DOCKETED

DISTRICT COURT, JEFFERSON COUNTY, COLORADO

RECEIVED
District Court
Jefferson County

COURT CASE NUMBER: 99CR01580

DIVISION: 1

MAR 20 2000

NOTICE OF ENDORSEMENT OF WITNESS(ES)

Division 1 _____
Enter _____
File _____

THE PEOPLE OF THE STATE OF COLORADO

vs.

Philip Joseph Duran

Defendant.

DAVID J. THOMAS, District Attorney in and for the First Judicial District, State of Colorado, respectfully notifies this Honorable Court that the people hereby endorse the following vital and essential witness(es), to-wit:

Tec. James Jennings
Criminalist
Jefferson County Sheriff Off.
200 Jefferson County Parkway
Golden, CO 80401

Agt. Kent Masters
ATF
1921 Stout St #630
Denver, CO 80202

Inv. Paulette Brundage
Federal Bureau of Invest.
1961 Stout Street
Denver, CO 80202

Agt. John McGrath
Federal Bureau of Invest.
1961 Stout Street
Denver, CO 80202

Jason Secore
1449 Josephine Street
Apt. C
Denver, CO 80206

REGISTERED

DISTRICT COURT, JEFFERSON COUNTY, COLORADO

COURT CASE NUMBER: 99CR01580 DIVISION: 1

NOTICE OF ENDORSEMENT OF WITNESS(ES)

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By: 

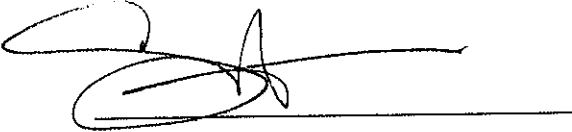
Steven L. Jensen
Deputy District Attorney
Registration No. 14141

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Endorsement of Witnesses was mailed on March
16, 2000, by depositing same in the U.S. Mail, postage
prepaid, and addressed as follows:

J. Matthew DePetro
Attorney at Law
5445 DTC Parkway, Ste. 850
Englewood, CO 80111

A handwritten signature in black ink, appearing to be 'J. Matthew DePetro', is written over a horizontal line.

MAR 20 2000

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 9/1

Division 9 _____
Enter _____
File _____

ORDER RE: DEFENDANT'S MOTION FOR MODIFICATION OF BOND CONDITION

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

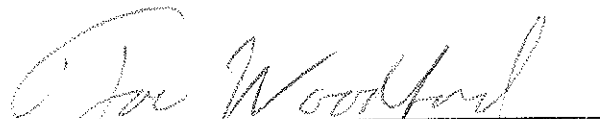
Defendant.

The Court having considered DEFENDANT'S MOTION FOR MODIFICATION OF BOND CONDITION and being advised of the premises therein;

HEREBY ORDERS that the Defendant's appearance bond is hereby modified and that the Defendant is granted leave to travel outside the State of Colorado as requested in his motion from April 8, 2000 through April 15, 2000.

DATED this 30th day of March, 2000.

BY THE COURT:


DISTRICT COURT JUDGE

DOCKETED

MAR 28 2000

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 9 1

Division 9

Enter

File

DEFENDANT'S MOTION FOR MODIFICATION OF BOND CONDITION

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

The Defendant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, hereby moves this Court to modify the condition of the Defendant's bond, and in support thereof states:

1. That the undersigned counsel has spoken with the Deputy District Attorney, Steve Jensen, with regard to the subject matter of this motion, and the District Attorney's office on behalf of the People have no objection to the same.

2. That the Defendant's bond presently restricts him from leaving the State of Colorado.

3. That the Defendant requests that this Court modify the bond so as to allow him to leave the State of Colorado.

4. That the Defendant intends to leave the State of Colorado for purposes of a honeymoon in Florida from April 8, 2000 through April 15, 2000.

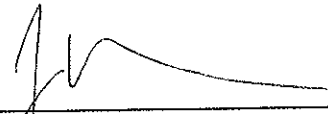
5. That attached hereto and incorporated herein by reference is the Surety on Defendant's bonds consent to the modification requested herein.

WHEREFORE, the Defendant prays that this Honorable Court issue an order modifying a condition of his bond as set forth herein; and for such other and further relief as the Court deems proper.

DOCKETED

DATED this 27th day of March, 2000.

Respectfully submitted,

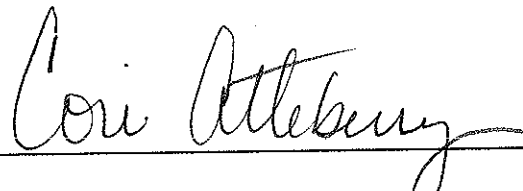


J. Matthew DePetro, #12770
5445 DTC Parkway, Suite 850
Englewood, CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of March, 2000, a true and correct copy of the above and foregoing **DEFENDANT'S MOTION FOR MODIFICATION OF BOND CONDITION** was placed in the U.S. Mails postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



Cori Attebery

CONSENT OF SURETY

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

We, Patricia M. Duran and Rueben H. Duran, as Sureties states as follows:

1. Written consent is given for the continuance or reinstatement of the appearance bond of the above-named Defendant as follows: [Not valid if more than one checked.]

- ☐ A. Reinstatement until entry of an order for deferred prosecution or deferred judgment, plea of guilty, *nolo contendere* or conviction.
- ☐ B. Continuance following conviction, but expiring upon the imposition of sentence.
- ☐ C. Reinstatement until hearing set for _____, 2000, at _____ a.m./p.m.
- ☒ D. Other: Consent to the Defendant leaving the State of Colorado from April 8, 2000 to April 15, 2000.

3. This consent must be filed before the date and time Ordered by the Court.

4. In the event forfeiture proceedings upon this bond are pending, this consent is conditional upon the forfeiture proceedings being vacated by the Court.

CONSENT OF SURETY
PEOPLE V. Philip J. Duran
JEFFERSON COUNTY COURT
Case No. 99 CR 1580

EXECUTED this 24th day of March, 2000, at _____
a.m./p.m.

Patricia M. Duran
Patricia M. Duran

Rueben H. Duran
Rueben H. Duran

Sureties

Address: 5663 W. Alder Ave.
Littleton, CO 80120

Phone: 303-933-0100

Power of Atty No.: _____

Date Bond Executed: _____

S-8-2000
@ 8:30 Am

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

RECEIVED
District Court
Jefferson County

REQUEST FOR THE TAKING OF JUDICIAL NOTICE

MAR - 9 2000

Division 1 _____
Enter _____
File _____

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN
Defendant.

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully requests in advance of trial that at the time of trial the court take judicial notice of the fact that Colorado law imposes upon every person who has reasonable grounds to believe that a crime has been committed a duty to report promptly the suspected crime to law enforcement authorities, and states as grounds for this request as follows:

1. The defendant is charged with Contributing to the Delinquency of a Minor, in violation of 18-6-701(1)(2), C.R.S. on and between January 1, 1999, and April 20, 1999, in that it is alleged that the defendant did unlawfully induce, aid, and encourage a child, namely Eric Harris and Dylan Klebold, to violate the Colorado laws prohibiting Illegal Possession of a Handgun by a Juvenile (18-12-108.5, C.R.S.), and prohibiting Possession of a Dangerous Weapon (18-12-102(3), C.R.S.).

2. The People allege that one way in which the defendant aided Eric Harris and Dylan Klebold to violate the law was by failing to comply with his legal duty to report promptly their known commission of violations of Colorado's laws prohibiting illegal possession of a handgun by a juvenile and prohibiting possession of a dangerous weapon.

3. Section 18-6-701, C.R.S. provides as follows:

Contributing to the delinquency of a minor. (1) Any person who induces, aids, or encourages a child to violate any federal or state law, municipal or county ordinance, or court order commits contributing to the delinquency of a minor. For the purposes of this section, the term "child" means any person under the age of eighteen years.

(2) Contributing to the delinquency of a minor is a class 4 felony.

DOCKETED

4. Section 18-6-701 does not provide for a mental state associated with the crime of contributing to the delinquency of a minor. When a statute does not contain a reference to a particular mental state, then the Court must look to Sections 18-1-502, C.R.S. and 18-1-503(2), C.R.S. for guidance.

Section 18-1-502, C.R.S., provides as follows:

Requirements for criminal liability in general and for offense of strict liability and of mental culpability. The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is physically capable of performing. If that conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of "strict liability". If a culpable mental state on the part of the actor is required with respect to any material element of an offense, the offense is one of "mental culpability".

Section 18-1-203(2), C.R.S., provides as follows:

(2) Although no culpable mental state is expressly designated in a statute defining an offense, a culpable mental state may nevertheless be required for the commission of that offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such a culpable mental state.

Since the crime of Contributing to the Delinquency of a Minor doesn't designate a mental state, then it is a crime of "strict liability", unless the court concludes from analysis of the statute that the proscribed conduct necessarily involves a culpable mental state. The People will concede that the Crime of Contributing to the Delinquency of a Minor probably necessarily involves the culpable mental state of "knowingly". The District Attorney reaches this conclusion from the fact that the pattern jury instruction (22:11) in COLJI- Crim., 1993 P.P., specifically contains the element of "knowingly", and because in the absence of a requirement of the mental state of "knowingly", one could be guilty of this crime by simply inadvertently aiding a juvenile, which result seems excessively broad.

5. Section 18-1-501, C.R.S., contains the definitions that will be used to instruct the jury and to determine the existence of the requisite culpable mental state of "knowingly".

Section 18-1-501(6) defines knowingly as follows:

(6) "Knowingly" or "willfully". All offenses defined in this code in which the mental culpability requirement is expressed as "knowingly" or "willfully" are declared to be general intent crimes. A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully", with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

Since the mental state of "knowingly" refers to and relates to the word "conduct", that word must be defined. Section 18-1-501(2), C.R.S. defines conduct as follows:

(2) "Conduct" means an act or omission and its accompanying state of mind or, where relevant series of acts or omissions.

Since the word conduct refers to and relates to the words "act" and "omission", those words must be defined. Section 18-1-501(1), C.R.S. defines "act" as follows:

(1) "Act" means a bodily movement, and includes words and possession of property.

Section 18-1-501(7), C.R.S. defines "omission" as follows:

(7) "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

Thus, Colorado's law defining the offense with which the defendant is charged, makes directly relevant "a failure to perform an act as to which a duty of performance is imposed by law".

6. Section 18-8-115, C.R.S., specifically creates a duty to report promptly suspected crimes to law enforcement authorities. Section 18-8-115, C.R.S., provides as follows:

Duty to report a crime - liability for disclosure.
It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities. Notwithstanding any other provision of the law to the contrary, a corporation or person may disclose information concerning a suspected crime to other persons or corporations for the purpose of giving notice of the possibility that other such criminal conduct may be attempted which may affect the persons or corporation notified. When acting in good faith, such corporation or person shall be immune from any civil liability of such reporting or disclosure. This duty shall exist notwithstanding any other provision of the law to the contrary; except that this section shall not require disclosure of any communication privileged by law.

7. Rule 201 of the Colorado Rules of Evidence provides for the taking of judicial notice by the court. Rule 201(d) specifically provides that "a court shall take judicial notice if requested by a party and supplied with the necessary information."

8. Rule 201(b) describes the kinds of facts that are appropriate for the taking of judicial notice by the court. That section reads as follows:

(b) Kinds of facts. A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

9. The existence of the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities is a fact that is not subject to reasonable dispute. The duty is created by Section 18-8-115 of the Colorado Revised Statutes and is capable of accurate and ready determination by resort to the Colorado Revised Statutes, a source whose accuracy as a statement of the statutory law of the State of Colorado cannot reasonably be questioned.

Wherefore, the People request that at the trial of this matter the court take judicial notice of the fact that Colorado law, as codified at Section 18-8-115 of the Colorado Revised Statutes, provides that it is the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities, and, in accordance with Rule 201(g), C.R.E., the Court instruct the jury "that it may, but is not required to, accept as conclusive any fact judicially noticed".

Attached is the specific instruction that the People request be read to the jury.

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By: 

STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

JURY INSTRUCTION _____

The court takes judicial notice of the following fact:

Colorado law, as codified at Section 18-8-115 of the Colorado Revised Statutes, provides that it is the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities.

In your deliberations and consideration of this case, the jury may, but is not required to, accept as conclusive this judicially noticed fact.

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

ORDER OF JUDICIAL NOTICE

The foregoing Request for the Taking of Judicial Notice is
hereby (granted) (denied) this _____ day of
_____, 20____.

BY THE COURT:

Judge

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Request for the Taking of Judicial Notice was
mailed on March 08, 2000, by depositing same in the U.S.
Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro
Attorney at Law
5445 DTC Parkway, Ste. 850
Englewood, CO 80111

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99CR1580 DIVISION 1

RECEIVED
District Court
Jefferson County

MAR 16 2000

AMENDED ENDORSEMENT OF WITNESSES

Division 1 _____
Enter _____
File _____

PEOPLE OF THE STATE OF COLORADO
vs.
PHILLIP JOSEPH DURAN
Defendant.

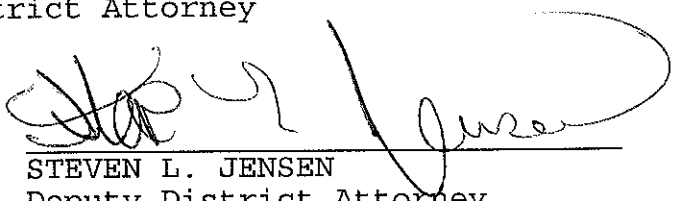
DAVID J. THOMAS, District Attorney in and for the First
Judicial District, State of Colorado, respectfully notifies this
Honorable Court of the new address of a previously endorsed
witness for the People:

Nathan Dykeman
3432 Pendleton Way
Land O Lakes, Florida 34639

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:


STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

DOCKETED

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Change of Address of Endorsed Witness was mailed on March 16, 2000, by depositing same in the U.S. Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro
Attorney at Law
5445 DTC Parkway, Ste. 850
Englewood, CO 80111



DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

RESPONSE TO DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN
Defendant.

RECEIVED
District Court
Jefferson County

FEB 02 2000

Division 1 _____
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File _____

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, and responds to the defendant's Motion to Change Venue and Sever Charge as follows:

1. §18-1-202(1), C.R.S. provides as follows:

§18-1-202. Place of trial. (1) Except as otherwise provided by law, criminal actions shall be tried in the county where the offense was committed, or in any other county where an act in furtherance of the offense occurred.

2. The evidence in this case establishes that the March 6, 1999, offense of Possession of a Dangerous Weapon was committed in both Jefferson County and Douglas County, and acts in furtherance of the offense occurred in Jefferson County. Specifically, the People's evidence will demonstrate that on March 6, 1999, the defendant, Philip Duran, met with Erik Harris and Dylan Klebold in Jefferson County and transported both of them and two sawed off, "short shotguns" through Jefferson County and into Douglas County. In Douglas County, the defendant held and fired one of the "short shotguns" and then returned it to Erik Harris and Dylan Klebold. He then transported Erik Harris and Dylan Klebold and both "short shotguns" back into and through Jefferson County.

3. Additionally, §18-1-202(7)(a), C.R.S. provides:

(7)(a) When multiple crimes are based upon the same act or series of acts arising from the same criminal episode and are committed in several counties, the offender may be tried in any county in which any one of the individual crimes could have been tried, regardless of whether or not the counties are in the same judicial district.

DOCKETED

4. The People contend that the March 6, 1999, Possession of a Dangerous Weapon charge is based upon the same series of acts arising from the same criminal episodes as the crimes of providing or permitting a juvenile to Possess a Handgun, in violation of §18-12-108.7, C.R.S., and contributing to the Delinquency of a Minor, in violation of §18-6-701(1) and (2), C.R.S.

5. §18-1-202(9) provides as follows:

(9) When a person in one county solicits, abets, agrees, aids, or attempts to aid another in the planning or commission of an offense in another county, the offense is committed and the offender may be tried for the offense in either county, or in any other county in which the principal offense would be tried.

6. The People contend that the defendant in Jefferson County aided, abetted, and attempted to aid and abet another, specifically, Erik Harris and Dylan Klebold, in the commission of the offense of Possession of a Dangerous Weapon, and under the provisions of §18-1-202(9) he may be tried in Jefferson County.

Wherefore, the People request that the defendant's Motion to Change Venue and Sever Charge be denied.

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:


STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Motion to Change Venue and Sever Charge was mailed on February 1, 2000, by depositing same in the U.S. Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro
Attorney At Law
5445 DTC Parkway, Ste. 850
Englewood, CO. 80111

_____

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
 COURT CASE NO.: 99 CR 1580 DIVISION 1

 MOTION AND ORDER TO ADD THIRD COUNT

PEOPLE OF THE STATE OF COLORADO

VS.

PHILIP JOSEPH DURAN
 Defendant.

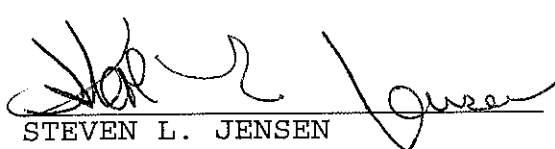
DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully requests this Honorable Court to add a Third Count to the above-entitled action, to-wit: **CONTRIBUTING TO THE DELINQUENCY OF A MINOR, Section 18-6-701(1)and(2), C.R.S. (F4).**

THIRD COUNT: Contributing to the Delinquency of a Minor

On and between January 1, 1999, and April 20, 1999, in or triable in the County of Jefferson, State of Colorado, PHILIP JOSEPH DURAN did unlawfully induce, aid and encourage a child, namely Eric David Harris (DOB 4-9-81) and Dylan Bennett Klebold (DOB 9-11-81) to violate any state law, to wit: Section 18-12-108.5, C.R.S., prohibiting illegal possession of a handgun by a juvenile, and Section 18-12-102(3), C.R.S., prohibiting possession of a dangerous weapon (short shot guns); contrary to the form of the statute in such case made and provided, Section 18-6-701(1)and(2), C.R.S., and against the peace and dignity of the People of the State of Colorado. (F4)

Respectfully submitted,

DAVID J. THOMAS
 District Attorney

By: 

STEVEN L. JENSEN
 Deputy District Attorney
 Registration No. 14141

DOCKETED
not only

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1

ORDER TO ADD THIRD COUNT

The foregoing Motion to Add a Third Count is hereby
granted () denied () this _____ day of
_____, 20_____.

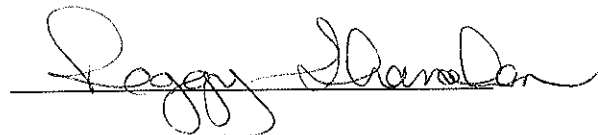
BY THE COURT:

Judge

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Motion to Add Count Three was mailed on
January 20, 2000 by depositing same in the U.S. Mail, postage
prepaid, and addressed as follows:

Matt DePetro, Esq.
5445 DTC Parkway, Suite 850
Englewood, Co. 80111



06 JUN 27 10:03

DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

The Defendant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to §18-1-202, C.R.S., and C.R.C.P. 18 and 21, move this Honorable Court to issue an Order changing venue and otherwise severing Court II as set forth on the charging document filed by the People, and in support thereof states:

1. That the Defendant is presently charged with two counts, to wit: providing or permitting a juvenile to possess a hand gun — §18-12-108.7, C.R.S. and possessing a dangerous weapon — §18-12-102(3), C.R.S.

2. That the undersigned counsel has reviewed the discovery made available by the District Attorney's office concerning this case.

3. That the aforementioned discovery contains several reports, and affidavits setting forth information relevant to the allegations made against the Defendant.

4. That the allegations concerning Count II of the People's charging document involving possessing a dangerous weapon suggests that this offense did not occur within Jefferson County, State of Colorado, but occurred, if at all, in Douglas County, State of Colorado.

5. That the discovery provided in this case contains several reports and affidavits which substantiate the location and venue of the alleged crime set forth and contained in Count II of the People's charging document.

6. That the following is a list of references identifying facts substantiating the claim that the alleged offense regarding

RECEIVED

Count II of the charging document occurred in Douglas County, State of Colorado:

a. Affidavit of Kate Batton: this affidavit references target shooting;

b. Kate's Report No. 99-8108A dated May 1, 1999: this report makes specific reference to target shooting at the "Rampart Range area.";

c. Kate Batton, as chief investigator of the Columbine case, testified at the sentencing for Mark Manes that the target shooting involving Count II of the charging document in this case occurred at Rampart Range, in Douglas County, State of Colorado;

d. Department of Treasury report dated May 4, 1999: this report references target shooting at "Rampart foothills";

e. Department of Treasury report dated May 11, 1999: this report makes reference to target shooting at "Rampart Range";

f. Report of the Office of the Colorado Attorney General dated April 30, 1999 by investigator Gary Clyman: this report references target shooting at "Rampart Range park.";

g. Report of Marcus Motte dated April 28, 1999: this report references target shooting at "Rampart Range.";

h. Department of Treasury report dated April 30, 1999: this report references target shooting at "Rampart".

7. That §18-1-202, C.R.S., states in pertinent part that criminal actions shall be tried in the county where the offense was committed.

8. That it is undisputed that the alleged offense involving Count II of the charging document in this case involves alleged activities or actions that took place within Douglas County, State of Colorado.

9. That incorporated herein by reference hereto is the Affidavit of J. Matthew DePetro.

WHEREFORE, the Defendant, Philip J. Duran, prays that this Honorable Court enter an order severing the charges in this action, and changing venue of Count II of the charging document to Douglas County, State of Colorado; and for such other and further relief as the Court deems proper.

DATED this 26th day of January, 2000.

Respectfully submitted,

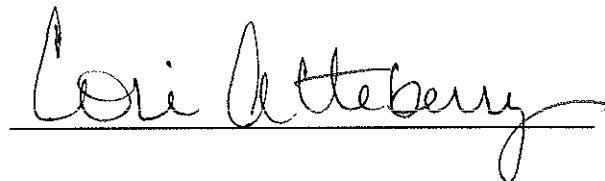


J. Matthew DePetro, #12770
5445 DTC Parkway, Ste. 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, 2000, a true and correct copy of the above and foregoing **DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

THE PEOPLE OF THE STATE OF COLORADO,

v.

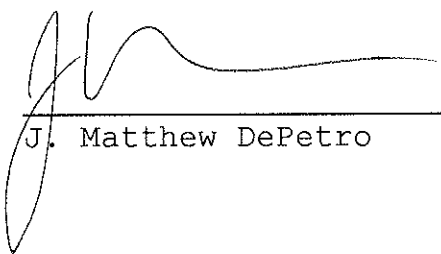
PHILIP J. DURAN,

Defendant.

I, J. Matthew DePetro, state under oath the following:

1. That I am counsel for the Defendant, Philip J. Duran.
2. That pursuant to Rule 16 of the Colorado Rules of Criminal Procedure, I requested from the District Attorney's office certain discovery.
3. That the aforementioned discovery provided by the District Attorney, to date, consists of approximately 600 pages.
4. That in examining and reviewing the aforementioned discovery, the same contains numerous and substantial references to alleged actions associated with Count II of the charging document in this case.
5. That the aforementioned discovery indicates that the alleged actions associated with Count II of the charging document in this case took place at Rampart Range, within Douglas County, State of Colorado.
6. That on or about November 12, 1999, Chief Investigator Kate Batton testified that the actions associated with Count II of the charging document in this case took place at Rampart Range, within Douglas County, State of Colorado.

FURTHER AFFIANT SAYETH NOT.



J. Matthew DePetro

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me this 26th day of January,
2000, by J. Matthew DePetro.

(SEAL)

Corinne Attebury
Notary Public
My Commission Expires: 1-6-02

RECEIVED
District Court
Jefferson County

MAR 03 2001

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1Division 1
Enter
File

MOTION AND ORDER TO ADD THIRD COUNT

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN
Defendant.

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully requests this Honorable Court to add a Third Count to the above-entitled action, to-wit: CONTRIBUTING TO THE DELINQUENCY OF A MINOR, Section 18-6-701(1) and (2), C.R.S. (F4).

THIRD COUNT: Contributing to the Delinquency of a Minor

On and between January 1, 1999, and April 20, 1999, in or triable in the County of Jefferson, State of Colorado, PHILIP JOSEPH DURAN did unlawfully induce, aid and encourage a child, namely Eric David Harris (DOB 4-9-81) and Dylan Bennett Klebold (DOB 9-11-81) to violate any state law, to wit: Section 18-12-108.5, C.R.S., prohibiting illegal possession of a handgun by a juvenile, and Section 18-12-102(3), C.R.S., prohibiting possession of a dangerous weapon (short shot guns); contrary to the form of the statute in such case made and provided, Section 18-6-701(1) and (2), C.R.S., and against the peace and dignity of the People of the State of Colorado. (F4)

G rnted

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:

STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

DOCKETED

RECEIVED
District Court
Jefferson County

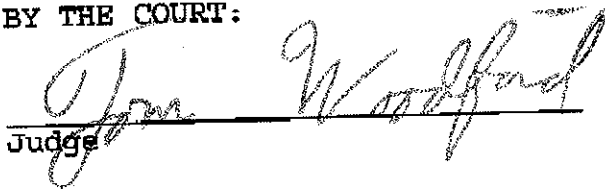
MAR 03 2000

DISTRICT COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION 1Division 9
Enter

ORDER TO ADD THIRD COUNT

The foregoing Motion to Add a Third Count is hereby
granted (✓) denied () this 3rd day of
March, 2000.

BY THE COURT:

Judge 

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above
and foregoing Motion to Add Count Three was mailed on
January , 2000 by depositing same in the U.S. Mail, postage
prepaid, and addressed as follows:

Matt DePetro, Esq.
5445 DTC Parkway, Suite 850
Englewood, Co. 80111

DOCKETED

RECEIVED
District Court
Jefferson County

MAR 03 2000

DISTRICT COURT, JEFFERSON COUNTY, COLORADO

COURT CASE NO.: 99 CR 1580

DIVISION 1

Division 9

Enter

File

RESPONSE TO DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN
Defendant.

DAVID J. THOMAS, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, and responds to the defendant's Motion to Change Venue and Sever Charge as follows:

1. §18-1-202(1), C.R.S. provides as follows:

§18-1-202. Place of trial. (1) Except as otherwise provided by law, criminal actions shall be tried in the county where the offense was committed, or in any other county where an act in furtherance of the offense occurred.

2. The evidence in this case establishes that the March 6, 1999, offense of Possession of a Dangerous Weapon was committed in both Jefferson County and Douglas County, and acts in furtherance of the offense occurred in Jefferson County. Specifically, the People's evidence will demonstrate that on March 6, 1999, the defendant, Philip Duran, met with Erik Harris and Dylan Klebold in Jefferson County and transported both of them and two sawed off, "short shotguns" through Jefferson County and into Douglas County. In Douglas County, the defendant held and fired one of the "short shotguns" and then returned it to Erik Harris and Dylan Klebold. He then transported Erik Harris and Dylan Klebold and both "short shotguns" back into and through Jefferson County.

3. Additionally, §18-1-202(7)(a), C.R.S. provides:

(7)(a) When multiple crimes are based upon the same act or series of acts arising from the same criminal episode and are committed in several counties, the offender may be tried in any county in which any one of the individual crimes could have been tried, regardless of whether or not the counties are in the same judicial district.

DOCKETED

4. The People contend that the March 6, 1999, Possession of a Dangerous Weapon charge is based upon the same series of acts arising from the same criminal episodes as the crimes of providing or permitting a juvenile to Possess a Handgun, in violation of §18-12-108.7, C.R.S., and contributing to the Delinquency of a Minor, in violation of §18-6-701(1) and (2), C.R.S.

5. §18-1-202(9) provides as follows:

(9) When a person in one county solicits, abets, agrees, aids, or attempts to aid another in the planning or commission of an offense in another county, the offense is committed and the offender may be tried for the offense in either county, or in any other county in which the principal offense would be tried.

6. The People contend that the defendant in Jefferson County aided, abetted, and attempted to aid and abet another, specifically, Erik Harris and Dylan Klebold, in the commission of the offense of Possession of a Dangerous Weapon, and under the provisions of §18-1-202(9) he may be tried in Jefferson County.

Wherefore, the People request that the defendant's Motion to Change Venue and Sever Charge be denied.

Respectfully submitted,

DAVID J. THOMAS
District Attorney

By:

STEVEN L. JENSEN
Deputy District Attorney
Registration No. 14141

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Motion to Change Venue and Sever Charge was mailed on February ____, 2000, by depositing same in the U.S. Mail, postage prepaid, and addressed as follows:

J. Matthew DePetro
Attorney At Law
5445 DTC Parkway, Ste. 850
Englewood, CO. 80111

**MANDATORY FAX COVER SHEET
FIRST JUDICIAL DISTRICT**

PLEASE DO NOT FAX DOCUMENTS MORE THAN 10 PAGES IN LENGTH

TO: Laura - Div. 9DATE: 3-1-00NUMBER OF PAGES INCLUDING COVER SHEET: 6FAX TELEPHONE NUMBER OF RECIPIENT: 271-~~6222~~ 6271FROM: Peggy (Steve Jensen's Sec.)REGULAR TELEPHONE NUMBER OF SENDER: 271-6945

FAX TELEPHONE NUMBER OF SENDER: _____

CASE NUMBER: 990R1580TITLE OF DOCUMENT: Response to change Venue

INSTRUCTIONS: _____

**CERTIFICATION**

The undersigned attorney of record or pro se party hereby certifies that I have read C.R.C.P. Rule 121, Sec.1-25, Facsimile Copies. I FURTHER CERTIFY THAT I WILL MAINTAIN THE ORIGINAL OF THE FAXED DOCUMENT IN MY FILES AND THAT I WILL NOT MAIL, FAX OR DELIVER OTHER COPIES OF THE DOCUMENT FAXED WITH THIS COVER SHEET TO THE COURT UNLESS REQUESTED BY THE COURT.

Attorney or party

COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A

DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

The Defendant, Philip J. Duran, by and through his attorney, J. Matthew DePetro, pursuant to §18-1-202, C.R.S., and C.R.C.P. 18 and 21, move this Honorable Court to issue an Order changing venue and otherwise severing Count II as set forth on the charging document filed by the People, and in support thereof states:

1. That the Defendant is presently charged with two counts, to wit: providing or permitting a juvenile to possess a hand gun - §18-12-108.7, C.R.S. and possessing a dangerous weapon - §18-12-102(3), C.R.S.

2. That the undersigned counsel has reviewed the discovery made available by the District Attorney's office concerning this case.

3. That the aforementioned discovery contains several reports, and affidavits setting forth information relevant to the allegations made against the Defendant.

4. That the allegations concerning Count II of the People's charging document involving possessing a dangerous weapon suggests that this offense did not occur within Jefferson County, State of Colorado, but occurred, if at all, in Douglas County, State of Colorado.

5. That the discovery provided in this case contains several reports and affidavits which substantiate the location and venue of the alleged crime set forth and contained in Count II of the People's charging document.

6. That the following is a list of references identifying facts substantiating the claim that the alleged offense regarding

Count II of the charging document occurred in Douglas County, State of Colorado:

a. Affidavit of Kate Batton: this affidavit references target shooting;

b. Kate's Report No. 99-8108A dated May 1, 1999: this report makes specific reference to target shooting at the "Rampart Range area.";

c. Kate Batton, as chief investigator of the Columbine case, testified at the sentencing for Mark Manes that the target shooting involving Count II of the charging document in this case occurred at Rampart Range, in Douglas County, State of Colorado;

d. Department of Treasury report dated May 4, 1999: this report references target shooting at "Rampart foothills";

e. Department of Treasury report dated May 11, 1999: this report makes reference to target shooting at "Rampart Range";

f. Report of the Office of the Colorado Attorney General dated April 30, 1999 by investigator Gary Clyman: this report references target shooting at "Rampart Range park.";

g. Report of Marcus Motte dated April 28, 1999: this report references target shooting at "Rampart Range.";

h. Department of Treasury report dated April 30, 1999: this report references target shooting at "Rampart".

7. That §18-1-202, C.R.S., states in pertinent part that criminal actions shall be tried in the county where the offense was committed.

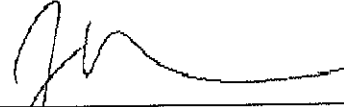
8. That it is undisputed that the alleged offense involving Count II of the charging document in this case involves alleged activities or actions that took place within Douglas County, State of Colorado.

9. That incorporated herein by reference hereto is the Affidavit of J. Matthew DePetro.

WHEREFORE, the Defendant, Philip J. Duran, prays that this Honorable Court enter an order severing the charges in this action, and changing venue of Count II of the charging document to Douglas County, State of Colorado; and for such other and further relief as the Court deems proper.

DATED this 26th day of January, 2000.

Respectfully submitted,

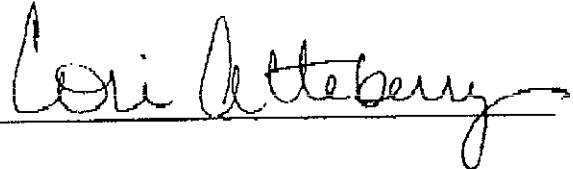


J. Matthew DePetro, #12770
5445 DTC Parkway, Ste. 850
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, 2000, a true and correct copy of the above and foregoing **DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A

DEFENDANT'S MOTION TO CHANGE VENUE AND SEVER CHARGE

THE PEOPLE OF THE STATE OF COLORADO,

v.

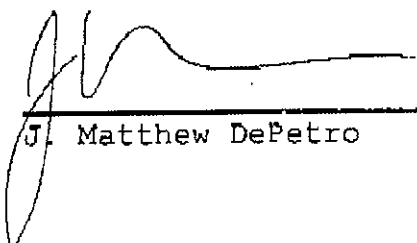
PHILIP J. DURAN,

Defendant.

I, J. Matthew DePetro, state under oath the following:

1. That I am counsel for the Defendant, Philip J. Duran.
2. That pursuant to Rule 16 of the Colorado Rules of Criminal Procedure, I requested from the District Attorney's office certain discovery.
3. That the aforementioned discovery provided by the District Attorney, to date, consists of approximately 600 pages.
4. That in examining and reviewing the aforementioned discovery, the same contains numerous and substantial references to alleged actions associated with Count II of the charging document in this case.
5. That the aforementioned discovery indicates that the alleged actions associated with Count II of the charging document in this case took place at Rampart Range, within Douglas County, State of Colorado.
6. That on or about November 12, 1999, Chief Investigator Kate Batton testified that the actions associated with Count II of the charging document in this case took place at Rampart Range, within Douglas County, State of Colorado.

FURTHER AFFIANT SAYETH NOT.



J. Matthew DePetro

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me this 26th day of January,
2000, by J. Matthew DePetro.

(SEAL)

Cornie Attebury
Notary Public
My Commission Expires: 1-6-02

**DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF
COLORADO (Division One)**

Case No. 99 CR 1580

REQUEST FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT

Plaintiff (s), The People of The State Of Colorado

vs.

Philip Duran,

Defendant.

RECEIVED
District Court
Jefferson County

NOV 17 1999

Division 1
Enter
File

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the arraignment of this defendant to be held on November 22, 1999 at 8:00 am.

This EMC request is coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(e).

DOCKETED

Pooling Arrangements. A pooling arrangement has been entered into among television stations **KWGN-TV** (Channel 2), **KCNC-TV** (Channel 4), **KMGH-TV** (Channel 7), **KUSA-TV** (Channel 9) and **KOA Radio** (850). The designated media representative for the proceedings shall be Kurt Holzberlein, Newsperson for Denver TV. The telephone number is 303 832-0200. The representative shall arrange and be responsible for the EMC, and shall be responsible for arranging an open and impartial distribution system with a distribution point located outside of the courtroom. The distribution will be made available to the aforementioned television stations, to other television stations, to network television and to radio stations.

Video. Denver TV shall be the only television operator in the courtroom and shall utilize only one television camera at any time. The camera will remain in a single location throughout the arraignment or advisement.

Audio. If the courtroom audio system is not technically feasible for use in EMC, all audio recording shall be done on one audio system installed by Denver TV at Denver TV's expense. This shall be done at a time when installation will not interfere with any court proceedings. All microphones and related wiring shall be installed so that they are unobtrusive and so that they will not interfere with movement of those in the courtroom.

Lighting. After Denver TV has had an opportunity to test the lighting, it will propose changes to the court if such changes are necessary. There shall be no movie lights, flash attachments or sudden lighting changes during the proceedings.

Still Cameras. Denver TV will not use still cameras.

Operating Signal. No visible or audible light or signal shall be used on any equipment.

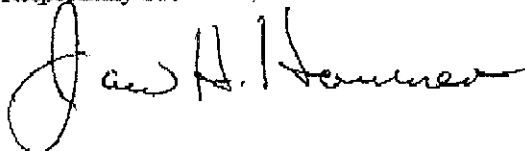
Conduct of Media Representative. The media representative shall conduct himself or herself in a manner consistent with the dignity and decorum of the courtroom. The following practices shall be observed in this regard: All equipment employed to provide EMC shall be positioned and operated so as not to detract from the dignity and decorum of the judicial process and to minimize any distraction. The television camera Denver TV will use is completely silent, and participants and spectators will not be able to determine whether it is operating at any particular time. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment, and personnel shall not wear any clothing bearing any insignia or identification of the individual or network involved. Equipment involved in the EMC shall not be placed in, or removed from, the courtroom except prior to the commencement or after adjournment of the proceedings. Television film magazines and video cassettes or lenses will not be changed inside the courtroom.

If the court desires to discuss any of the legal requirements with an attorney, it may contact:
A. Bruce Jones, at telephone number: **303 303 295-8261**.

As required by Canon 3A(8)(f)(1), a copy of this request is being provided to each party in this case.

Dated: **November 16, 1999**

Respectfully Submitted,

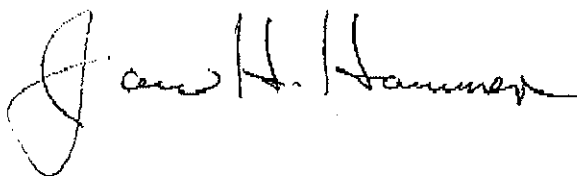


(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, Colorado 80202
Phone: (303) 892-0500
Fax: (303) 892-0503

Certificate of Service

This undersigned certifies that on **November 16, 1999** a copy of the foregoing
"Request for Expanded Media Coverage" was faxed, pursuant to Rule 49(b) C. R. Crim. P to:

Mr. J. Matthew Depetro, Defendants Counsel at 303 796-2915
Mr. Steve Jensen/ Pam Russell, Plaintiffs Counsel at 303 271-6943
Mr. A. Bruce Jones, Counsel for Denver TV/Radio Group at 303 893-1379



(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO

Case No. 99CR1580

Division 1

COURT'S SCHEDULING ORDER

RECEIVED
District Court
Jefferson County

THE PEOPLE OF THE STATE OF COLORADO

JAN 20 2000

Vs.

Phillip Duran

Division 9
Enter
File

Defendant pled Not Guilty on 1-20-2000

Present were:

Deputy District Attorney Steve Jensen

Defense Attorney De Petro

IT IS ORDERED as follows:

March 3, 2000 @ 8:30 AM 1 Hr.

Pretrial motions will be heard on May 8, 2000 at 8:30 AM 2 Hrs
(All pretrial motions must be filed within 30 days of the date of this order with time computed as provided in Rule 45, C.R.Crim. P.).

All legal authorities shall be delivered to (and actually received by) the Division Clerk of this Court and opposing counsel at least two working days prior to the motions' hearing. Formal briefs are not required. Photocopies of cases or other material with pertinent portions highlighted are acceptable and encouraged.

DISCOVERY

Rule 16, C.R.Crim.P. shall be followed.

TRIAL

Trial is set to Jury Court on June 6, 2000 at 8:30 AM for
4 days.

ORDERED this 20th day of January, 2000

DOCKETED

BY THE COURT

Tom Woodford
Tom Woodford
District Judge

400 WEST COLFAX AVENUE
DENVER, COLORADO 80204

DEBORAH GOEKEN
MANAGING EDITOR

RECEIVED
303-892-6440
FAX 303-892-2888
goeken@denver-rocky.com
District Court
Jefferson County

JAN 20 2000

Denver Rocky Mountain News

Division 9
Enter
File

January 19, 1999

Judge Thomas Woodford
Division 9
Jefferson County

Dear Judge Woodford:

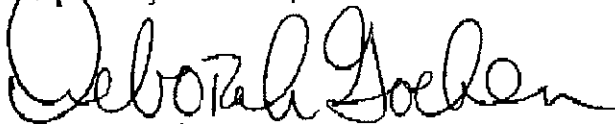
Pursuant to Canon 3A (8) of the Code of Judicial Conduct, the *Denver Rocky Mountain News* requests permission to place a still camera in your courtroom during the arraignment of Phillip Duran in case number 99CR1580 at 8:00 a.m. Thursday, January 20, 2000.

This letter serves as an official request for our photographer to be admitted to the courtroom. The *News* will cooperate in whatever arrangement is designated by the court. We pledge to abide by all rules set by the court in connection with our photography.

The *News* states that its photographers are familiar with the guidelines of Canon 3A (8) and will cooperate with the court in insuring minimal disruption to orderly proceedings of the trial.

We will gladly serve as the print photo pool in this matter.

Respectfully submitted,


Deborah Goeken

DOCKETED



**DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF
COLORADO (Division 2)****Case No. 99 CR 1580**

REQUEST FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT

Plaintiff(s), The People of The State Of Colorado

vs.

Philip Duran,

Defendant.

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the arraignment of this defendant to be held on January 20, 2000 at 8:00 am.

This EMC request is for coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(e).

APPROVED AND ORDERED
John W. Woodford
JUDGE
DATE: *12/18/99* *1/18/00*
DOCKETED

DOCKETED

Pooling Arrangements. A pooling arrangement has been entered into among television stations **KWGN-TV** (Channel 2), **KCNC-TV** (Channel 4), **KMGH-TV** (Channel 7), **KUSA-TV** (Channel 9) and **KOA Radio** (850). The designated media representative for the proceedings shall be Taylor Cleveland, Newsperson for Denver TV. The telephone number is 303 830-6464. The representative shall arrange and be responsible for the EMC, and shall be responsible for arranging an open and impartial distribution system with a distribution point located outside of the courtroom. The distribution will be made available to the aforementioned television stations, to other television stations, to network television and to radio stations.

Video. Denver TV shall be the only television operator in the courtroom and shall utilize only one television camera at any time. The camera will remain in a single location throughout the arraignment or advisement.

Audio. If the courtroom audio system is not technically feasible for use in EMC, all audio recording shall be done on one audio system installed by Denver TV at Denver TV's expense. This shall be done at a time when installation will not interfere with any court proceedings. All microphones and related wiring shall be installed so that they are unobtrusive and so that they will not interfere with movement of those in the courtroom.

Lighting. After Denver TV has had an opportunity to test the lighting, it will propose changes to the court if such changes are necessary. There shall be no movie lights, flash attachments or sudden lighting changes during the proceedings.

Still Cameras. Denver TV will not use still cameras.

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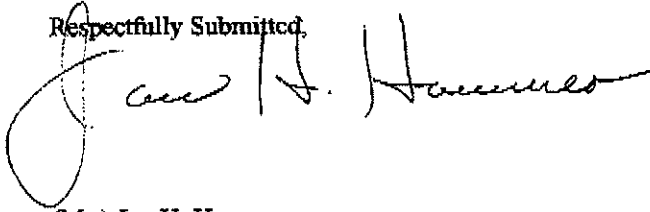
Conduct of Media Representative. The media representative shall conduct himself or herself in a manner consistent with the dignity and decorum of the courtroom. The following practices shall be observed in this regard: All equipment employed to provide EMC shall be positioned and operated so as not to detract from the dignity and decorum of the judicial process and to minimize any distraction. The television camera Denver TV will use is completely silent, and participants and spectators will not be able to determine whether it is operating at any particular time. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment, and personnel shall not wear any clothing bearing any insignia or identification of the individual or network involved. Equipment involved in the EMC shall not be placed in, or removed from, the courtroom except prior to the commencement or after adjournment of the proceedings. Television film magazines and video cassettes or lenses will not be changed inside the courtroom.

If the court desires to discuss any of the legal requirements with an attorney, it may contact:
Richard P. Holme, at telephone number: **303 892-7340**.

As required by Canon 3A(8)(I)(I), a copy of this request is being provided to each party in this case.

Dated: **January 5, 2000**

Respectfully Submitted,

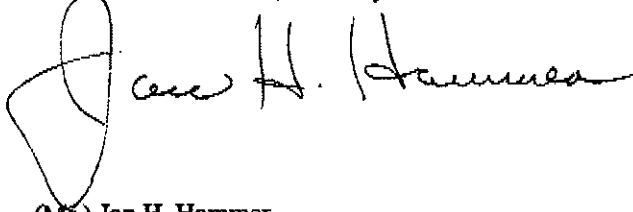


(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, Colorado 80202
Phone: (303) 892-0500
Fax: (303) 892-0503

Certificate of Service

This undersigned certifies that on **January 5, 2000** a copy of the foregoing
"Request for Expanded Media Coverage" was faxed, pursuant to Rule 49(b) C. R. Crim. P to:

Mr. J. Matthew Depetro, Defendants Counsel at 303 796-2915
Mr. Steve Jensen, Plaintiffs Counsel at 303 271-6941
Mr. Richard P. Holme, Attorney for Denver TV/Radio Group at 303 893-1379



(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association

FILED
JAN 10 2000



FAX TRANSMITTAL

Date: January 5, 2000

Number of pages including cover page: 4

From: (Mr.) Jan Hammer, Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, CO. 80202
Tel: 303 892-0500
Fax: 303 892-0503

To: The Honorable Charles Hoppin at 303 271-6272

RE: Expanded Media Coverage (EMC) Request
Case #: 99 CR 1580
Defendant: Phillip Duran

CC: Mr. Matt Depetro, Counsel for Defendant at 303 796-2915.
Mr. Steve Jensen, Counsel for Plaintiff at 303 271-6941.
Mr. Richard P. Holme, Counsel for Denver TV/Radio Group at
303 893-1379.
Taylor Cleveland, KCNC-TV at 303 830-6380
Patti Dennis, KUSA-TV at 303-698-4700
Mr. Kurt Holzberlein, KMGH-TV at 303-832-0119

If problems with this fax please call Jan Hammer at 303 892-0500

Call 8/99 => tape

Sent tape to Admin 9/23/99

TRANSCRIPT REQUEST INFORMATION SHEET

Division: A

Plaintiff: People Defendant: Philip Duran

Case No.: 99CE1580

Date of Hearing: 6/18/99 & 8/31/99

Transcript Requested By: Ellis Armstrong & Assoc

Phone No.: 303-825-2373

Comments: contact person Karen Myers

Request for Tape Sent To The Division On: 9/16/99

8.31.99 #4280
tape 279-394

sent tape
to admin

6-18-99
tape

#4236
11-11-99
11-16-99

Legal Investigations

H. Ellis Armistead

Jennifer L. Gedde

Nancy A.B. D'Amico

Karen Myers

Connie M. Lindsey

Pamela A. Ferguson

Elizabeth I. Petersen

September 14, 1999

Jefferson County Court
Attn: Division A
100 Jefferson County Parkway
Golden, CO 80401

RE: Transcripts

Dear Court Clerk:

Please provide copies of all transcripts of hearings for Case 99-CR-1580 involving Philip Joseph Duran

Call me with the costs associated with this request or the procedure for obtaining the transcripts.

If you have any questions regarding this request, do not hesitate to call me at 303-825-2373.

Thank you for your assistance in this matter.

Sincerely,

H. ELLIS ARMISTEAD & ASSOCIATES, LLC

Karen Myers

Karen Myers
Investigative Assistant

1159 Delaware Street

Denver, CO 80204

303/825-2373

800/786-5450

FAX 303/825-2374

cases\montgomery\harris\jeffco div a letter.doc

COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A 1

NOTICE OF CHANGE OF ADDRESS

THE PEOPLE OF THE STATE OF COLORADO

v.

PHILIP J. DURAN,

Defendant.

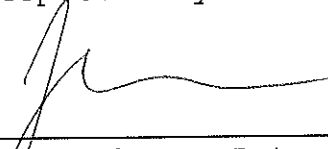
PLEASE TAKE NOTICE that the address of J. Matthew DePetro will change effective August 30, 1999. Please direct all future correspondence and pleadings for J. Matthew DePetro to the following address:

J. Matthew DePetro, Esq.
5445 DTC Parkway, Suite 850
Englewood, CO 80111
Telephone: 303-796-2034
Telefax: 303-796-2915

All telephone and facsimile numbers will remain the same as listed above.

DATED this 3rd day of September, 1999.

Respectfully submitted,



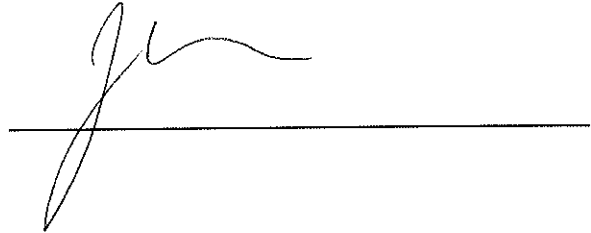
J. Matthew DePetro, #12770
5105 DTC Parkway, Suite 325
Englewood CO 80111-2600
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CC/NOTED

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of September, 1999, a true and correct copy of the above and foregoing **NOTICE OF CHANGE OF ADDRESS** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



☒ DISTRICT ☐ COUNTY COURT, JEFFERSON COUNTY, COLORADO
MUNICIPAL COURT, COLORADO
Case No. 99CR1580 Division / Courtroom 1
Arrest No. RECEIVED
Warrant No. District Court
Bond No. Jefferson County

SEP 22 1999 1 PM 4:53

APPEARANCE BOND

BOND TYPE: ☐ Bail Bonding Agent* ☐ Cash/Self ☐ Cash/Surety** ☐ PR/Self File ☒ PR/Surety ☐ Property

DEFENDANT: (print or type) PHILIP JOSEPH DURAN 11-23-76
First Middle Last DOB

Defendant, as principal and (print or type) BACBEN & PATRICIA DURAN, as surety, acknowledge that we are jointly and severally bound to the People of the State of Colorado, in the penal sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) DOLLARS, if there is a default upon the primary condition of this bond.

The primary condition of this bond is that, if the defendant shall personally appear in the (court name and address) Jefferson County Combined Court, 100 Jefferson County Parkway, Golden, CO 80401

on (date) NOVEMBER 22, 1999 at (time) 8:00 AM and at each place, and upon each date, to which this proceeding is transferred or continued, until entry of an order for deferred prosecution or deferred judgment, plea of guilty, *nolo contendere* or conviction (unless the written consent of the sureties is filed of record), to answer charges of

PROVIDE JUV WITH HANDGUN, POSS DANGEROUS WEAPON

then this bond shall be void; otherwise, it shall remain in full force and effect.

ADDITIONAL STANDARD CONDITIONS: (1) Defendant may not leave the state without the approval of the Court and the surety; (2) Defendant shall not commit a felony while at liberty on bail; (3) Defendant acknowledges the existence of a mandatory restraining order under C.R.S. § 18-1-1001; (4) Defendant shall immediately notify the Court of any change of mailing address or residence.
SUPPLEMENTAL CONDITIONS:

If the defendant fails to comply with any of the conditions of this bond, the Court may revoke defendant's release on bail, increase the amount of bail or modify bond conditions. This bond will be forfeited if the defendant does not appear as required by the primary bond condition.

[Signature] 2594 S. TENNYSON WY, DENVER, CO 80219 303-937-2648
DEFENDANT (signature) Address (City/State/Zip) Telephone

SURETY / BONDING AGENT* (signature) Address (City/State/Zip) Telephone

BONDING AGENT LICENSE NO. [Signature] POWER OF ATTORNEY NO. 303-933-0140
[Signature] 5663 W. ALDER AVE, LITTLETON, CO 80128
SURETY OTHER THAN BONDING AGENT** (signature) Address (City/State/Zip) Telephone

*BONDING AGENT CERTIFICATION: Agent, by executing this bond, warrants and represents to the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction (2) that agent is duly licensed by the State of Colorado to execute this bond, and (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this bond.

**SURETY CASH DEPOSIT: (1) Cash deposited (☐ may) (☐ may not) be used to satisfy any fines, costs, etc. (check one).
(2) Cash deposited (☒ may) (☐ may not) be returned to defendant (check one).

CASH SURETY (signature) N/A

EXECUTED AND ACKNOWLEDGED by the above-named in the presence of the undersigned at Jefferson County Combined Court (name of court or facility where bond written).

By: [Signature]
Deputy Clerk/Sheriff (As to Surety/Bonding Agent)

By: [Signature]
Deputy Clerk/Sheriff (As to Defendant)

(date) 8-31-99 (time) 2:20 P.M. (date) 8-31-99 (time) 2:20 P.M.

ADVISEMENT AND PRELIMINARY HEARING PROCEDURES

People of the State of Colorado

-VS-

Duran, Philip Joseph Case No. 99CR1580 Division A-1

1. You are before the court because a peace officer or the district attorney for this county has charged you with a violation of the law.
2. You have the following rights:
 - a. The right to appear before a judge.
 - b. The right to enter a plea of not guilty and have a trial by a judge or a jury.
 - c. The right to be represented by an attorney at all stages of the proceedings including this one.
 - d. If you do not have the means to hire an attorney, you can ask the court to appoint one for you without cost to you, and one will be appointed. You must apply to the Office of the Public Defender and pay a twenty-five dollar fee to the Clerk of the Court.
 - e. You are presumed to be innocent of the charges, and if you plead not guilty, the prosecution must prove your guilt beyond a reasonable doubt.
 - f. At the trial you have the right to be confronted by the witnesses called to testify against you and to cross-examine those witnesses.
 - g. You have the right to present evidence in your own defense at the trial and to compel the attendance of witnesses by subpoenas issued by the court.
 - h. You are entitled to a speedy and public trial.
 - i. You have the right to remain silent concerning the charges and the right to refuse to testify at any stage of the proceedings. Your silence does not imply any wrong doing on your part and cannot be used against you.
 - j. Any pleas entered to the charges must be voluntary on your part and not the result of the undue influence or coercion on the part of someone else.
3. Prior to entry of any plea and prior to trial you are entitled to a preliminary hearing if you are: (1) charged with a class 1, 2, or 3 felony, or (2) charged with a class 4, 5, or 6 felony involving a "mandatory sentence", a "crime of violence" a "sexual offense", or (3) in custody at the time of the scheduled preliminary hearing. A preliminary hearing is to determine whether probable cause exists to believe an offense was committed by you. If you wish a preliminary hearing, you must file a written request within 10 days of this date. The hearing will be held within 30 days of the setting. At the hearing you may cross-examine witnesses and introduce evidence on your behalf. If probable cause is found by the judge, your case will be bound over to the appropriate court of record for entry of plea and trial.
4. Prior to the entry of any plea, if you are not entitled to a preliminary hearing, you shall participate in a dispositional hearing for the purposes of case evaluation and potential resolution.
5. I have carefully read and understand the above advisement _____ (date)

Defendant's Signature

Address

Phone

DEMAND FOR PRELIMINARY HEARING

DATE _____ The defendant moves the court to set a preliminary hearing to determine probable cause.

Defendant

Attorney for Defendant

WAIVER OF THE THIRTY DAY RULE

DATE _____ The defendant hereby waives the requirement that the preliminary hearing be held within thirty days of demand.

Defendant

Attorney for Defendant

NOTICE OF SETTING

This matter is set for _____ PH _____ Dispo/Waiver _____ DH on _____ in Div _____ of the County Court on the 3rd floor of this building. Bond or summons is continued to this date.

Attorney for Defendant acknowledges that it is the sole responsibility of Attorney for Defendant to make a timely demand for a preliminary hearing. Attorney for Defendant further acknowledges the responsibility to advise the court and prosecution immediately upon learning that the Defendant is released from custody.

Date	Defendant	Attorney for Defendant	Reg. No.	Phone
8.31.99				

PRELIMINARY HEARING/DISPOSITIONAL HEARING

Date _____ Judge Hoppin

Def. appeared _____ Pro se: ☒ with counsel M. DePetro Deputy District Attorney Brauchler

PH HELD: Probable cause has been shown as to charges _____

PH HELD: No probable cause shown. Defendant and bond discharged. _____

PH _____ Deemed Waived. Case bound over to the District Court. _____

PH _____ Waived. The defendant hereby gives up the right to a preliminary hearing and understands that by giving up the right to the hearing the rights set forth in paragraph 3 of the above advisement will also be given up. Case bound over to the District Court. _____

Arraignment on 11.22.99 @ 8:00 am, Div. 1, 5th floor.

Defendant remanded _____ Bond transferred _____ Summons continued _____

Defendant in custody _____ Bond reinstated _____ Summons reinstated _____

Defendant Philip Joseph Duran Attorney for Defendant James M. DePetro Reg. No. 12770 Phone (303) 796 2034

DV-6 7/98

AUG 11 1999

COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3ADivision A _____
Filed _____
99 AUG 14 1999 7:55

DEFENDANT'S MOTION FOR MODIFICATION OR REDUCTION OF BOND

THE PEOPLE OF THE STATE OF COLORADO District Attorney
v. Jensen
Objects?
PHILIP J. DURAN, Yes No Defendant.

The Defendant, PHILIP J. DURAN, by and through his attorney, J. Matthew DePetro, pursuant to Rule 46(a)(6) of the Colorado Rules of Criminal Procedure, moves this Honorable Court to issue an order modifying or reducing his bond in the instant action, and in support thereof states:

1. That on or about June 11, 1999, the Defendant was served with the People's charging document.

2. That the aforementioned charging document has charged the Defendant with two crimes to wit: Providing or Permitting A Juvenile To Possess A Handgun and Possessing a Dangerous Weapon.

3. That People obtained an arrest warrant for the Defendant in connection with this case, and Defendant's bond was set at \$15,000 cash or property.

4. That the Defendant maintains that cause exists to modify or reduce his bond presently in effect.

5. That the Court is to consider certain criteria with regard to setting the amount and type of bond.

6. That any bond should not be oppressive.

7. That at all relevant times hereto, the Defendant has fully and completely cooperated with authorities regarding this case.

8. That the Defendant made law enforcement personnel aware of his whereabouts since his first interview in late April of 1999, so that he could be contacted again if necessary.

9. That the Defendant voluntarily returned to Denver for a second interview in May of 1999.

10. That upon being informed through his counsel that an arrest warrant was issued in connection with this case, the Defendant voluntarily returned to Colorado, and surrendered himself to authorities.

DOCKETED

11. That the Defendant has been fully cooperative with regard to the investigation in this matter.

12. That the Court should consider the Defendant's employment status and history and his financial condition; the nature and extent of his family relationship; his past and present residences, his character and reputation; the identity of persons who agree to assist him in attending court; the nature of the offenses charged; the individual's criminal record; and various other matters.

13. That the Defendant in the past has been gainfully employed on a full time basis, but because of his age and inexperience lacks the financial resources with which to post bond, expect through the assistance of his parents.

14. That the Defendant has extensive family relationships to assist him in attending court at the proper times.

15. That both of the Defendant's parents reside in the Denver metropolitan area, and are employed with respected employers.

16. That the Defendant has no criminal record.

17. That there are no facts indicating the possibility of additional violations of law in the event the Court would modify or reduce Defendant's bond.

18. That there is no likelihood that there would be intimidation or harassment of possible witnesses.

19. That the Defendant has significant and strong ties to the community, and is not likely to flee this jurisdiction before this prosecution is completed.

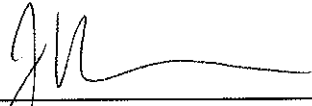
20. That the Defendant is not on bond with regard to any other matter thereby precluding the issuance of a personal recognizance bond.

21. That the facts and circumstances surrounding the Defendant's crimes and his ties to the community justify modifying or reducing the current bond to a \$15,000 personal recognizance bond, with his parents as sureties, or in the alternative, significantly reducing the amount of the bond.

WHEREFORE, the Defendant, Philip J. Duran prays that this Honorable court issue an order modifying his existing bond and changing the same to a personal recognizance bond; and for such other and further relief as the Court deems proper in the premises.

DATED THIS 9th day of August, 1999.

Respectfully submitted,

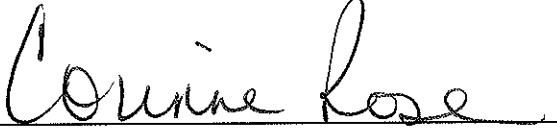


J. Matthew DePetro, #12770
5105 DTC Parkway Ste. 325
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of August, 1999, a true and correct copy of the above and foregoing **DEFENDANT'S MOTION FOR MODIFICATION OR REDUCTION OF BOND** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020



Corinne Rose

**DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO
DIVISION A**

Case No. 99 CR 1580

REQUEST FOR EXPANDED MEDIA COVERAGE OF HEARING

People of the State of Colorado,

Plaintiff,

vs.

Phillip Duran,

Defendant.

Pursuant to Canon 3A(8) of the Colorado Code of Judicial Conduct relating to judicial supervision of expanded media coverage of court proceedings, the Denver Television/Radio Stations Group ("Denver TV/Radio") hereby requests that expanded media coverage ("EMC") be permitted for the Hearing of this defendant to be held on August 31, 1999 at 1:30 pm .

This EMC request is coverage by one television camera with a distribution point located outside of the courtroom. Denver TV will comply with the conditions of Canon 3A(8)(c).

Pooling Arrangements. A pooling arrangement has been entered into among television stations **KWGN-TV** (Channel 2), **KCNC-TV** (Channel 4), **KMGH-TV** (Channel 7), **KUSA-TV** (Channel 9) and **KOA Radio** (850). The designated media representative for the proceedings shall be Taylor Cleveland, Newsperson for Denver TV. The telephone number is 303 830-6380. The representative shall arrange and be responsible for the EMC, and shall be responsible for arranging an open and impartial distribution system with a distribution point located outside of the courtroom. The distribution will be made available to the aforementioned television stations, to other television stations, to network television and to radio stations.

Video. Denver TV shall be the only television operator in the courtroom and shall utilize only one television camera at any time. The camera will remain in a single location throughout the arraignment or advisement.

Audio. If the courtroom audio system is not technically feasible for use in EMC, all audio recording shall be done on one audio system installed by Denver TV at Denver TV's expense. This shall be done at a time when installation will not interfere with any court proceedings. All microphones and related wiring shall be installed so that they are unobtrusive and so that they will not interfere with movement of those in the courtroom.

Lighting. After Denver TV has had an opportunity to test the lighting, it will propose changes to the court if such changes are necessary. There shall be no movie lights, flash attachments or sudden lighting changes during the proceedings.

Still Cameras. Denver TV will not use still cameras.

Operating Signal. No visible or audible light or signal shall be used on any equipment.

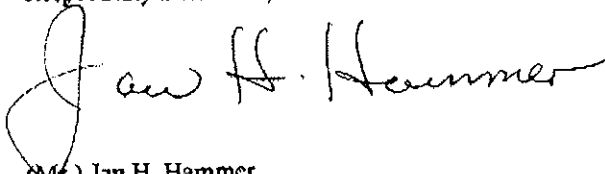
Conduct of Media Representative. The media representative shall conduct himself or herself in a manner consistent with the dignity and decorum of the courtroom. The following practices shall be observed in this regard: All equipment employed to provide EMC shall be positioned and operated so as not to detract from the dignity and decorum of the judicial process and to minimize any distraction. The television camera Denver TV will use is completely silent, and participants and spectators will not be able to determine whether it is operating at any particular time. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment, and personnel shall not wear any clothing bearing any insignia or identification of the individual or network involved. Equipment involved in the EMC shall not be placed in, or removed from, the courtroom except prior to the commencement or after adjournment of the proceedings. Television film magazines and video cassettes or lenses will not be changed inside the courtroom.

If the court desires to discuss any of the legal requirements with an attorney, it may contact:
Richard P. Holme, at telephone number: **303 892-7340**.

As required by Canon 3A(8)(f)(I), a copy of this request is being provided to each party in this case.

Dated: **August 25, 1999**

Respectfully Submitted,

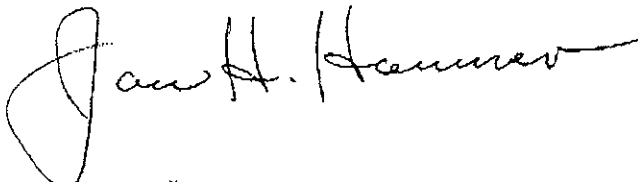


(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association
Columbine Place
216 16th Street, Suite 1250
Denver, Colorado 80202
Phone: (303) 892-0500
Fax: (303) 892-0503

Certificate of Service

This undersigned certifies that on **August 25, 1999** a copy of the foregoing
"Request for Expanded Media Coverage" was faxed, pursuant to Rule 49(b) C. R. Crim. P to:

Mr. Matt Depetro, Defendants Counsel at 303 796-2915
Mr. Steve Jensen, Plaintiffs Counsel at 303 271-6941
Mr. Richard P. Holme, Counsel for Denver TV/Radio Group at 303 893-1379



(Mr.) Jan H. Hammer
Executive Director
Colorado Broadcasters Association

Taylor

MANDATORY FAX COVER SHEET
FIRST JUDICIAL DISTRICT

PLEASE DO NOT FAX DOCUMENTS MORE THAN 10 PAGES IN LENGTH

TO The Honorable Charles Hoppin

DATE August 25, 1999

NUMBER OF PAGES INCLUDING COVER SHEET Four

FAX TELEPHONE NUMBER OF RECIPIENT 303 271-6272

FROM Mr. Jan H. Hammer, Colorado Broadcasters Assn.

REGULAR TELEPHONE NUMBER OF SENDER 303 892-0500

FAX TELEPHONE NUMBER OF SENDER 303 892-0503

CASE NUMBER 99 CR 1580

TITLE OF DOCUMENT Request For Expanded Media Coverage

INSTRUCTIONS Please fax decision to Ms. Taylor
Cleveland, KCNC-TV at 303 830-6380 with copy
to Sender

CERTIFICATION

The undersigned attorney of record or pro se party hereby certifies that I have read C.R.C.P. Rule 121, Sec. 1-25, Facsimile Copies. I FURTHER CERTIFY THAT I WILL MAINTAIN THE ORIGINAL OF THE FAXED DOCUMENT IN MY FILES AND THAT I WILL NOT MAIL, FAX OR DELIVER OTHER COPIES OF THE DOCUMENT FAXED WITH THIS COVER SHEET TO THE COURT UNLESS REQUESTED BY THE COURT.

Jan H. Hammer
Attorney or party

AUG 25 '99 15:55

** TOTAL PAGE.03 **

COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A

**DEFENDANT'S OBJECTION TO REQUEST FOR
EXPANDED MEDIA COVERAGE OF HEARING**

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

The Defendant, PHILIP J. DURAN, by and through his attorney, J. Matthew DePetro, pursuant to Canon 3 of the Colorado Code of Judicial Conduct, submits the following Objection:

1. That on or about August 25, 1999, the Colorado Broadcaster's Association filed a request for expanded media coverage of hearing.

2. That Canon 3 sets forth the factors that should be considered by the Court when presented with a request for expanded media coverage.

3. That Canon 3 further provides for denial of expanded media coverage under certain circumstances.

4. That the Defendant maintains that Canon 3A.(8)(c)(I) prohibits expanded media coverage of any pretrial hearings in criminal cases, except advisements and arraignments.

5. That the Defendant has previously been advised in this matter, and is scheduled for a dispositional hearing, which tantamounts to a pretrial hearing.

6. That by rule, there is to be no expanded media coverage, and the same should not take place.

7. That alternatively, Defendant maintains that there is a reasonable likelihood that expanded media coverage will interfere with the rights of the Defendant to a fair trial.

8. That magnitude and significance of the Columbine High School tragedy is unequalled, and remains the possibility that this matter will proceed to trial.

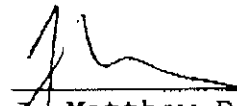
.

9. That the Defendant's rights to a fair trial shall be prejudiced by expanded media coverage.

WHEREFORE, the Defendant, Philip J. Duran, prays that this Honorable Court issue an order denying the request for expanded media coverage in that the same is prohibited under Canon 3 in this stage of the proceedings; and for such other and further relief as the Court deems proper.

DATED this 27th day of August, 1999.

Respectfully submitted,



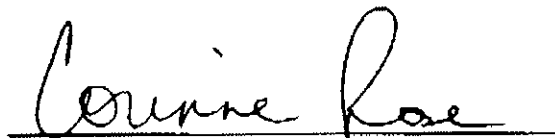
J. Matthew DePetro, #12770
5105 DTC Parkway Ste. 325
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of August, 1999, a true and correct copy of the above and foregoing **DEFENDANT'S OBJECTION TO REQUEST FOR EXPANDED MEDIA COVERAGE OF HEARING** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

Steve Jensen
Deputy District Attorney
500 Jefferson County Pkwy.
Golden, CO 80401-6020

Jan H. Hammer, Executive Director
Colorado Broadcaster's Association
216 16th Street, Suite 1250
Denver, CO 80202



COUNTY COURT, JEFFERSON COUNTY, COLORADO
CASE NO. 99 CR 1580, Division 3A

FACSIMILE COVER SHEET

THE PEOPLE OF THE STATE OF COLORADO,

v.

PHILIP J. DURAN,

Defendant.

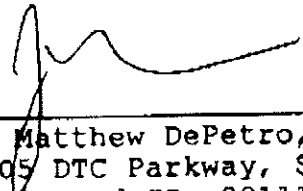
TO THE CLERK OF JEFFERSON COUNTY COURT, Division A (303-271-6272):

According to C.R.C.P. 121, §1.25, effective March 1, 1991, the Defendant, by and through his attorney, J. Matthew DePetro, is hereby filing by facsimile the following pleading:

1. Title of the Documents: **DEFENDANT'S OBJECTION TO REQUEST FOR EXPANDED MEDIA COVERAGE OF HEARING;**
2. Number of Pages: 3, including this cover pleading;
3. Case No. 99 CR 1580, Division 3A;
4. Party submitting the documents: J. Matthew DePetro, Esq., Attorney for Defendant;
5. Instructions: Please file these pleadings in Case No. 99 CR 1580, as though the pleadings were originally filed with the Clerk of the District Court. Please mark the documents filed as of the date on the facsimile.

Dated this 27th day of August, 1999.

Respectfully submitted,



J. Matthew DePetro, #12770
5105 DTC Parkway, Suite 325
Englewood CO 80111-2600
303-796-2034
303-796-2915 -- FAX
Attorney for Defendant

99CR1580-1

☐ DISTRICT ☒ COUNTY COURT, JEFFERSON COUNTY, COLORADO
 Case No. _____ Division / Courtroom A Arrest No. _____
 Warrant No. 99CR1580
 Bond No. 106996

APPEARANCE BOND

BOND TYPE: ☐ Bail Bonding Agent* ☐ Cash/Self ☒ Cash/Surety** ☐ PR/Self ☐ PR/Surety ☐ Property

DEFENDANT: (print or type) PHILIP JOSEPH DURAN 11-28-76
 First Middle Last DOB

Defendant, as principal and (print or type) RUEBEN HILBERT DURAN,
 as surety, acknowledge that we are jointly and severally bound to the People of the State of Colorado, in the penal sum of
FIFTEEN THOUSAND AND NO/100 (\$ 15,000.00) DOLLARS,
 if there is a default upon the primary condition of this bond.

The primary condition of this bond is that, if the defendant shall personally appear in the (court name and address)
JEFFERSON COUNTY COURT, 100 JEFFERSON COUNTY PKWY, GOLDEN, CO.

on (date) JUNE 18, 1999 at (time) 10:00AM and at each place, and upon each date, to which
 this proceeding is transferred or continued, until entry of an order for deferred prosecution or deferred judgement, plea of guilty,
 nolo contendere or conviction, (unless the written consent of the sureties is filed of record), to answer charges of

PROVIDE JUVENILE RETH HANDGUN
POSS. DANGEROUS WEAPON

then this bond shall be void; otherwise, it shall remain in full force and effect.

ADDITIONAL STANDARD CONDITIONS: (1) Defendant may not leave the state without the approval of the Court and the surety; (2) Defendant shall not commit a felony while at liberty on bail; (3) Defendant acknowledges the existence of a mandatory restraining order under C.R.S. §18-1-1001; (4) Defendant shall immediately notify the Court of any change of mailing address or residence. SUPPLEMENTAL CONDITIONS:

If the defendant fails to comply with any of the conditions of this bond, the Court may revoke defendant's release on bail, increase the amount of bail or modify bond conditions. This bond will be forfeited if the defendant does not appear as required by the primary bond condition.

[Signature] 5663 W. ALDER AVE. LITTLETON, CO. 80128 303-933-0140
 DEFENDANT (Signature) Address Telephone

N/A N/A N/A
 SURETY / BONDING AGENT* (Signature) Address Telephone

BONDING AGENT LICENSE NO. N/A POWER OF ATTORNEY NO. N/A

[Signature] 5663 W. ALDER AVE. LITTLETON, CO. 80128 303-933-0140
 SURETY OTHER THAN BONDING AGENT** (Signature) Address Telephone

***BONDING AGENT CERTIFICATION:** Agent, by executing this bond, warrants and represents to the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction (2) that agent is duly licensed by the State of Colorado to execute this bond, and (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this bond.

****SURETY CASH DEPOSIT:** (1) Cash deposited ☐ may ☒ may not be used to satisfy any fines, costs, etc. (check one).
 (2) Cash deposited ☐ may ☒ may not be returned to defendant (check one)

CASH SURETY (Signature) [Signature]

EXECUTED AND ACKNOWLEDGED by the above-named in the presence of the undersigned at
Jefferson County Sheriff's Department (name of court or facility where bond written).

By: [Signature]
 Deputy Clerk/Sheriff (As to Surety/Bonding Agent)

By: [Signature] 3501
 Deputy Clerk/Sheriff (As to Defendant)

(date) 6-17-99 (time) 4:47pm

(date) 6/17/99 (time) 1825 (B)

COUNTY COURT, JEFFERSON COUNTY, COLORADO
Case No. 982/SA, Division A

ENTRY OF APPEARANCE

THE PEOPLE OF THE STATE OF COLORADO

v.

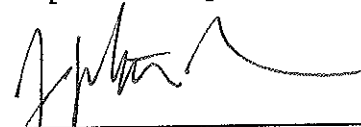
PHILIP J. DURAN,

Defendant.

COMES NOW undersigned counsel, an attorney duly authorized to practice law in the State of Colorado, and enters his appearance on behalf of the above-named defendant.

DATED THIS 18th day of June, 1999.

Respectfully submitted,



J. Matthew DePetro, #12770
5105 DTC Parkway, Ste. 325
Englewood CO 80111
303-796-2034
303-796-2915, FAX
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of June, 1999, a true and correct copy of the above and foregoing **ENTRY OF APPEARANCE** was placed in the United States mail, First Class, postage prepaid and addressed as follows:

David J. Thomas
District Attorney
500 Jefferson County Pkwy
Golden CO 80401-6020



Corinne Rose

COUNTY COURT, JEFFERSON COUNTY, COLORADO

COURT CASE NO.: 99 CR 1580

DIVISION A -1

CHARGING DOCUMENT

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN

Agency: Jefferson County Sheriff Off. (ORI#: CO0300000)

CR#: 99-10704 Arrest/Contact Information Not Available.

CHARGES:

1. PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN -
Section 18-12-108.7, C.R.S. (F4)
2. POSSESSING A DANGEROUS WEAPON - Section 18-12-102(3),
C.R.S. (F5)

Permission given to file the within information:

Probable cause found, warrant ordered.

Bail set at: _____

Judge: _____

Date: _____

WARRANT UPON AFFIDAVIT

COUNTY COURT, JEFFERSON COUNTY, COLORADO

COURT CASE NUMBER: 99CR01580 DIVISION:

ENDORSEMENT OF WITNESS (ES)

THE PEOPLE OF THE STATE OF COLORADO

vs.

Philip Joseph Duran

Defendant.

CR NUMBER: 99-10704 JCSD

WITNESSES FOR THE PEOPLE:

1. Inv. Kathleen Battan
Jefferson County Sheriff Off.
200 Jefferson County Parkway
Golden, CO 80401
2. John Culler
Evidence Custodian/or Agent
Jefferson County Sheriff Off.
200 Jefferson County Parkway
Golden, CO 80401
3. Agt. Jon Mitchell
ATF
1921 Stout St #630
Denver, CO 80202
4. Agt. Richard Putman
ATF
1921 Stout St #630
Denver, CO 80202
5. Agt. Larry Krisel
ATF
1921 Stout St #630
Denver, CO 80202

ENDORSEMENT OF WITNESS(ES)

6. Agt. Marcus Motte
ATF
1921 Stout St #630
Denver, CO 80202
7. Mark Edward Manes
6002 West Alder Avenue
Littleton, CO 80123
8. Jessica Lynne Miklich
5190 Bow Mar Dr.
Littleton, CO 80123
9. Nathan Dykeman
7973 W. Plymouth Place
Littleton, CO 80123
10. Christopher Richard Morris
5466 W. Portland Drive
Littleton, CO 80123
11. Greg Marcilliot
6269 W. Chestnut Ave.
Littleton, CO 80128
12. Brian Distel
7068 S. Allison Way
Littleton, CO 80123
13. Royce Lee Spain
315 E. First Street
Johnstown, CO 80534
14. Larry Russell
9525 N. Lowell Blvd.
Westminster, CO 80020

COUNTY COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION

ENDORSEMENT OF WITNESSES (Continuation)

WITNESSES FOR THE PEOPLE:

A) Linda Angove
B) Russell Bohner
C) Jan Brace
D) Jim Burkhalter
E) Donna Clausen
F) Fred Cope
G) P. J. Doyle
H) Alison Enger
I) Steve Evans
J) Debbie Farnum
K) Mike Gallagher
L) Dennis Goodwin
M) Cassandra Harris
N) Mike Harris
O) Michael Heylin
P) John Lauck
Q) Adrienne Loye
R) George Mumma
S) Greg Neal
T) Terry Paczosa
U) Mike Russell
V) Pat Vondenkamp
W) Cliff Yablon
District Attorney's Office
First Judicial District
500 Jefferson County Parkway
Golden, CO 80401-6020

COUNTY COURT, JEFFERSON COUNTY, COLORADO
COURT CASE NO.: 99 CR 1580 DIVISION

COMPLAINT/INFORMATION

PEOPLE OF THE STATE OF COLORADO

vs.

PHILIP JOSEPH DURAN

DAVID J. THOMAS, District Attorney in and for the First Judicial District of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the Court that:

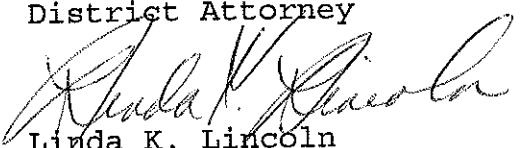
FIRST COUNT:

On and between January 23, 1999 and March 6, 1999, in or triable in the County of Jefferson, State of Colorado, PHILIP JOSEPH DURAN did unlawfully, intentionally, knowingly and recklessly provide a handgun, with or without remuneration, to a person under the age of eighteen in violation of Section 18-12-108.5, C.R.S.; contrary to the form of the statute in such case made and provided, Section 18-12-108.7, C.R.S., and against the peace and dignity of the People of the State of Colorado. (F4)

SECOND COUNT:

On March 6, 1999, in or triable in the County of Jefferson, State of Colorado, PHILIP JOSEPH DURAN did unlawfully and knowingly possess a dangerous weapon, to-wit: a short shotgun; contrary to the form of the statute in such case made and provided, Section 18-12-102(3), C.R.S., and against the peace and dignity of the People of the State of Colorado. (F5)

DAVID J. THOMAS
District Attorney


Linda K. Lincoln
Chief Deputy District Attorney
Reg. No. 14519

COURT, JEFFERSON COUNTY, COLORADO

INVESTIGATOR KATE BATTAN,

being duly sworn upon oath says:

That the foregoing offense(s) alleged was committed of this affiant's own personal knowledge, and the facts stated therein are true.

Your affiant is of lawful age and a sworn peace officer of the Jefferson County Sheriff's Office, Golden, Colorado, in the County of Jefferson.

Your affiant states that the following facts are true and based upon his/her personal knowledge, as a result of his/her conversations with the person(s) named herein and reviewing their written reports.

On April 20, 1999, at about 11:26 a.m., Jefferson County Sheriff's Dispatch received a 9-1-1 call reporting that there was a shooting in the parking lot at Columbine High School, located at 6201 South Pierce Street, County of Jefferson, State of Colorado. Upon arrival, Jefferson County Sheriff's Deputy Scott Taborsky and Deputy Eric Miller observed numerous students who were yelling and screaming as they ran out of the school. Deputy Taborsky and Deputy Miller also heard what they believed to be gunshots coming from inside the school. Deputy Taborsky and Deputy Miller were told by numerous students that people had been shot inside the school.

Your affiant subsequently learned that 15 individuals were killed within Columbine High School during the incident as a result of gunshot wounds. Your affiant further learned that two of the decedents, Dylan Bennett Klebold, dob/09-11-81, and Eric David Harris, dob/04-09-81, were suspected of shooting the 13 decedents, and had injured approximately 25 other individuals.

On April 21, 1999, crime scene personnel, led by Jefferson County Sheriff's Lab Technician Chris Andrist, provided serial numbers and model numbers of the four guns used by Klebold and Harris in the shootings at Columbine High School. Those weapons include two shotguns, a high point 9mm Carbine rifle, and an Intratec model TEC-DC9, 9mm handgun, serial #D076305.

The Bureau of Alcohol, Tobacco, and Firearms (ATF) Special Agent Marcus Motte subsequently traced the TEC-DC9, 9mm handgun to various owners dating back to September 5, 1997. Special Agent Motte discovered the gun had been registered to a business "Just Guns" owned by Royce Spain. The TEC-9 was then purchased or transferred to the personal property of Royce Spain on June 2, 1998. During the month of October of 1998, the TEC-9 was transferred to Larry Russell, and based on interviews by Special Agent Motte, the gun was sold at a gun show to an unknown person.

On April 25, 1999, Special Agent Motte interviewed Phillip Joseph Duran, dob/11-28-76, who had worked with Dylan Klebold and Eric Harris at Blackjack Pizza. Duran told Special Agent Motte that Harris and Klebold had approached him three to four months prior to April 20, 1999, about buying a gun. Duran said he gave Harris and Klebold the telephone number of Mark Manes. Duran also said that after Manes sold the TEC-9 to Harris and Klebold, he received \$125.00 from Harris and Klebold as the balance due to Manes for the purchase of that gun.

On April 30, 1999, ATF Special Agents Motte and Larry Krisl interviewed Mark Edward Manes, dob/03-25-77. Also present was Manes' attorney, Robert Ransome, as well as Jefferson County Assistant District Attorney Brian Boatright, and your affiant. Manes told your affiant that he had purchased the Intratec model TEC-DC9, 9mm pistol, serial #D076305, from the Tanner Gun Show located at I-25 and 58th Avenue in Denver, Colorado, on August 2, 1998.

Manes advised sometime after he purchased the TEC-9, his friend, Phillip Duran, told him he worked with "two guys" at

Sworn to before me this _____

day of _____, 19 _____

JUDGE

COURT, JEFFERSON COUNTY, COLORADO

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Blackjack Pizza who wanted to buy a TEC-9. Manes said on January 23, 1999, he went to the Tanner Gun Show with Phillip Duran, and at that time met Eric Harris and Dylan Klebold, who was introduced by Duran. Manes said he had a short conversation with Harris, and told him he would sell the TEC-9 to him for \$500.00. Manes told Duran to give Harris his cell phone number if he was interested in purchasing the gun. Manes said on the evening of January 23, 1999, he received a phone call from Klebold. Klebold subsequently responded to Manes' home at 6002 West Alder Avenue, County of Jefferson, State of Colorado, and purchased the TEC-9, 9mm pistol. Klebold gave Manes \$300.00 as a down payment for the purchase, and it was agreed that \$200.00 was still due for the purchase of the TEC-9. Manes indicated approximately two weeks later, he received the balance of \$200.00 from Duran, who had received the money from Harris and Klebold.

Manes told your affiant that on March 6, 1999, he and his girlfriend, Jessica Miklich, went shooting at an area they go to frequently called Rampart. Manes advised Duran was there, along with Harris and Klebold, and that Harris and Klebold had brought the TEC-9 and two sawed-off shotguns, which Manes described as being "way, way too short."

On May 5, 1999, ATF Special Agent Krisl interviewed Jessica Lynne Miklich, the girlfriend of Manes. Also present during this interview was Assistant District Attorney Brian Boatright, and Daniel Recht, the attorney for the Miklich family. Miklich said on March 6, 1999, she went with Manes to go shooting in the Rampart foothills area, southwest of Littleton, Colorado. Miklich advised that Harris, Klebold, and Duran were all present and already shooting their guns in this area. In particular, Miklich said Harris and Klebold had two sawed-off shotguns, and that Harris, Klebold, Duran, Manes, and herself all fired the TEC-9.

On April 23, 1999, ATF Special Agents Richard Putman and Jon Mitchell interviewed Nathan Dykeman, dob/12-15-80, who was an associate of Klebold, Harris, and Duran. Dykeman said about two weeks prior to the shootings at Columbine, he saw Harris with a video in their video class at Columbine High School. Dykeman stated he watched the video, and saw Harris, Klebold, Duran, as well as Duran's friend, Mark, and Mark's girlfriend shooting a double barreled sawed-off shotgun, and a pump action sawed-off shotgun in an area known to him as Rampart.

Dykeman also told Special Agents Putman and Mitchell that in December of 1998 or January of 1999, he saw Klebold pay Duran \$100.00 in cash behind the Blackjack Pizza located at 6657 West Ottawa Avenue, County of Jefferson, State of Colorado. Dykeman said he asked Klebold about the money after Duran left, and Klebold told Dykeman he had bought a shotgun and pistol from Duran.

Phillip Duran was re-interviewed on May 10, 1999, by ATF Agents Motte and Krisl. Also present during the interview was Duran's attorney, Matt DePetro, and Jefferson County Chief District Attorney Mark Pautler. During this interview, Duran stated he assumed Harris and Klebold were 17 years old at the time of the purchase of the TEC-9. Duran again stated he introduced Harris and Klebold to Manes, who sold them the TEC-9. Duran said one to two weeks after that purchase, Harris and Klebold gave him (Duran) \$125.00 to give to Manes for the balance of the money owed on the TEC-9. Duran also advised that in the middle of March 1999, he went to Rampart to go shooting with Harris and Klebold, and that they had two sawed-off shotguns with the barrels and stocks cut down. Duran said during this shooting trip, Manes and his girlfriend, Jessica, were also there, and this was videotaped.

Your affiant contacted the Douglas County Sheriff's Department Dispatch Center and inquired as to where Rampart Range is

Sworn to before me this

day of , 19

JUDGE

COURT, JEFFERSON COUNTY, COLORADO

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located. Specifically, I gave directions to the dispatcher as provided by Manes, those directions being: Foxton Road to Highway 67, to the Platte River Road, to Sugar Creek Road. According to the dispatcher, this is in the area of Ouzel Campgrounds, and the street address there is 2700 South Platte River Road in Douglas County.

Based upon the foregoing facts, your affiant submits that there is probable cause to believe that criminal offenses have been committed in violation of Colorado law. Your affiant further submits that there is probable cause to charge **PHILLIP JOSEPH DURAN, DOB/11-28-76, described as a white male,** with the commission of these offenses. Your affiant therefore requests that a warrant be issued for the arrest of **PHILLIP JOSEPH DURAN, DOB/11-28-76,** and that a bail bond amount be set.

~~Your affiant further requests that this affidavit and warrants or orders resulting from this affidavit be sealed by the court to preserve the integrity of the on-going criminal investigation.~~

Approved

Judge

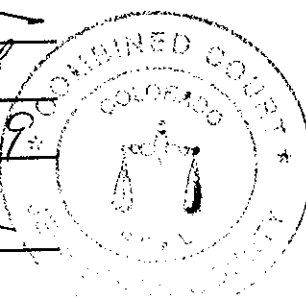
Sworn to before me this

day of

19

99

JUDGE



COUNTY COURT. JEFFERSON COUNTY, COLORADO

WARRANT FOR ARREST UPON AFFIDAVIT

PEOPLE OF THE STATE OF COLORADO

Docket No. 99CR1580

Div. _____

vs

DURAN, PHILIP

To: Any Peace Officer or any person authorized by law to execute warrants within the State of Colorado:

You are hereby commanded to arrest the above named individual and bring that person without unnecessary delay before the County Court in and for the County of Jefferson, Colorado, it appearing from an affidavit sworn to before me relating facts sufficient to establish probable cause that the offense(s) of PROVIDING A JUVENILE WITH A GUN, POSS. DANGEROUS/

ILLEGAL WEAPON

was/were committed and probable cause that the above named individual committed that/those offense(s) in violation of C.R.S. 1973

18-12-108.7, 18-12-102

as amended.

Bail fixed at \$ 15,000⁰⁰

Date 6/15/99

County Judge

RETURN OF SERVICE

State of Colorado
County of Jefferson

I duly executed this warrant by arresting _____

FEES

Service.....\$ _____

Date _____

Mileage.....\$ _____

Total.....\$ _____

Sheriff or Peace Officer

By _____

COURT, JEFFERSON COUNTY, COLORADO

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JUDGE

Page 2 of 3

COURT, JEFFERSON COUNTY, COLORADO

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~~Your affiant further requests that this affidavit and warrants or orders resulting from this affidavit be sealed by the court to preserve the integrity of the on-going criminal investigation.~~

Approved _____

Judge

Sworn to before me this

15th

day of

June

19 99

JUDGE



Office of the District Attorney
First Judicial District
Jefferson and Gilpin Counties

DAVID J. THOMAS
DISTRICT ATTORNEY



MEMORANDUM

TO: CLERK OF THE COURT

FROM: DISTRICT ATTORNEY'S OFFICE

Linda Lincoln
Deputy District Attorney

14519
Regis. No.

SUBJECT: REQUEST FOR WARRANT UPON AFFIDAVIT

DATE: 6-15-99

Please handle this case as a Warrant Upon Affidavit. The Complaint will follow from our office.

DEFENDANT NAME: Philip Joseph Duran

DEFENDANT D.O.B.: 11-28-76

COUNT NO. 1 Offense Providing Juvenile w/ Weapon
Statute No. 18-12-108.7 Class F-4

COUNT NO. 2 Offense Poss Dangerous/Illegal Weapon
Statute No. 18-12-102 Class F-5

COUNT NO. 3 Offense _____
Statute No. _____ Class _____

COUNT NO. 4 Offense _____
Statute No. _____ Class _____

500 Jefferson County Parkway Golden, Colorado 80401-6020 (303) 271-6800 FAX (303) 271-6888

Case Report No.

JCSO

Case Report No. 99-10704

PHILIP JOSEPH DURAN-PAGE-197

COMBINED COURT, JEFFERSON COUNTY, COLORADO

ADVISEMENT AND PRELIMINARY HEARING PROCEDURES

People of the State of Colorado

-vs-

Duran, Philip

Case No. 99CR1580 Division A-1

1. You are before the court because a peace officer or the district attorney for this county has charged you with a violation of the law.
2. You have the following rights:
 - a. The right to appear before a judge.
 - b. The right enter a plea of not guilty and have a trial by a judge or a jury.
 - c. The right to be represented by an attorney at all stages of the proceedings including this one.
 - d. If you do not have the means to hire an attorney, you can ask the court to appoint one for you without cost to you, and one will be appointed. You must apply to the Office of the Public Defender and pay a twenty-five dollar fee to the Clerk of the Court.
 - e. You are presumed to be innocent of the charges, and if you plead not guilty, the prosecution must prove your guilt beyond a reasonable doubt.
 - f. At the trial you have the right to be confronted by the witnesses called to testify against you and to cross-examine those witnesses.
 - g. You have the right to present evidence in your own defense at the trial and to compel the attendance of witnesses by subpoenas issued by the court.
 - h. You are entitled to a speedy and public trial.
 - i. You have the right to remain silent concerning the charges and the right to refuse to testify at any stage of the proceedings. Your silence does not imply any wrong doing on your part and cannot be used against you.
 - j. Any pleas entered to the charges must be voluntary on your part and not the result of the undue influence or coercion on the part of someone else.
3. Prior to entry of any plea and prior to trial you are entitled to a preliminary hearing if you are: (1) charged with a class 1, 2, or 3 felony, or (2) charged with a class 4, 5, or 6 felony involving a "mandatory sentence", a "crime of violence" a "sexual offense", or (3) in custody at the time of the scheduled preliminary hearing. A preliminary hearing is to determine whether probable cause exists to believe an offense was committed by you. If you wish a preliminary hearing, you must file a written request within 10 days of this date. The hearing will be held within 30 days of the setting. At the hearing you may cross-examine witnesses and introduce evidence on your behalf. If probable cause is found by the judge, your case will be bound over to the appropriate court of record for entry of plea and trial.
4. Prior to the entry of any plea, if you are not entitled to a preliminary hearing, you shall participate in a dispositional hearing for the purposes of case evaluation and potential resolution.
5. I have carefully read and understand the above advisement _____ (date)

Defendant's Signature _____ Address _____ Phone _____

DEMAND FOR PRELIMINARY HEARING

DATE _____ The defendant moves the court to set a preliminary hearing to determine probable cause.

Defendant _____ Attorney for Defendant _____

WAIVER OF THE THIRTY DAY RULE

DATE _____ The defendant hereby waives the requirement that the preliminary hearing be held within thirty days of demand.

Defendant _____ Attorney for Defendant _____

NOTICE OF SETTING

This matter is set for _____ PH _____ Dispo/Waiver ☒ DH on 8/31/99 130 pm in Div A of the County Court on the 3rd floor of this building. Bond or summons is continued to this date.

Attorney for Defendant acknowledges that it is the sole responsibility of Attorney for Defendant to make a timely demand for a preliminary hearing. Attorney for Defendant further acknowledges the responsibility to advise the court and prosecution immediately upon learning that the Defendant is released from custody.

X 6-18-99 X 88-0 R X JH X 12770 X 3037962034
 Date Defendant Attorney for Defendant Reg. No. Phone

PRELIMINARY HEARING/DISPOSITIONAL HEARING

Date _____ Judge _____
 Deft. appeared _____ Pro se; _____ with counsel _____ Deputy District Attorney _____

_____ PH HELD: Probable cause has been shown as to charges _____ Dispositional Hearing Held
 _____ PH HELD: No probable cause shown. Defendant and bond discharged.
 _____ PH Deemed Waived. Case bound over to the District Court.
 _____ PH Waived. The defendant hereby gives up the right to a preliminary hearing and understands that by giving up the right to the hearing the rights set forth in paragraph 3 of the above advisement will also be given up. Case bound over to the District Court.

Arraignment on _____, Div. _____, _____ floor.
 _____ Defendant remanded _____ Bond transferred _____ Summons continued _____ Citation vacated
 _____ Defendant in custody _____ Bond reinstated _____ Summons reinstated

Defendant _____ Attorney for Defendant _____ Reg. No. _____ Phone _____
 DV-6 7/98